

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : CASE NO. 1:18-cr-0043
:
Plaintiff, :
vs. : IN-PERSON TRIAL
: PROCEEDINGS
YANJUN XU, also known as XU :
YANJUN, also known as QU HUI, : 20th of OCTOBER, 2021
also known as ZHANG HUI, : 9:25 A.M.
:
Defendant. : DAY 3

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE

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United States District Court
200 West Second Street
Dayton, Ohio 45402

Proceedings reported by mechanical stenography,
transcript produced by computer.

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1 P-R-O-C-E-E-D-I-N-G-S

9:25 A.M.

2
3 COURTROOM DEPUTY: All rise. This United States
4 District Court for the Southern District of Ohio is now in
5 session. The Honorable Timothy S. Black, District Judge,
6 presiding.

7 THE COURT: Please be seated. Good morning. We're
8 here in the open courtroom at 9:25 in the matter criminal
9 case, United States of America versus Xu.

10 The Jury's upstairs ready to go, but I understand
11 there's a matter or matters that I need to address. I
12 believe the Government wishes to be heard?

13 MS. GLATFELTER: Yes, Your Honor. I have three
14 quick preliminary matters. The first one pertains to the
15 curative instruction for after the Defendant's opening
16 statement. We don't think that this is an instruction that
17 needs to be given right now, but we wanted to give the Court
18 time to think about it.

19 I have a copy which is from the Sixth Circuit
20 Pattern Instructions 3.06, and this was also in the
21 Defendant's proposed instructions for the end of trial, so
22 this is case --

23 THE COURT: Well, if you'll present it to me, and
24 Defense counsel will address it at another time, is that
25 where we are?

1 MS. GLATFELTER: Yes, Your Honor.

2 THE COURT: All right. Number two?

3 MS. GLATFELTER: The second thing is after the
4 questioning of Dr. Mulvenon yesterday and after the
5 Defense's opening statement, we think the Jury may have a
6 misunderstanding of the law in terms of what they have to
7 find.

8 Both parties have submitted final Jury Instructions
9 to the Court, which state that for a conspiracy and attempt
10 allegations, the Jury doesn't need to find an actual trade
11 secret. They have to find the Defendant intended to take
12 information that was trade secret.

13 THE COURT: Hang on just a second. Very well. I
14 was just reading the immediate transcript.

15 MS. GLATFELTER: And so both parties have submitted
16 these instructions. The Government has submitted this on
17 page ten or PageID 1796 of our proposed instructions.

18 The Defendant's instructions say essentially the
19 same thing on PageID 1776.

20 We think it's appropriate at trial that the Jury be
21 instructed because it's going to be distracting if they
22 think they need to find an actual trade secret based on the
23 questioning that we heard yesterday.

24 Again, this is a matter for the Court to take under
25 advisement, and we're not asking for an instruction right

1 here today, but we think it's --

2 THE COURT: I would have preferred that you told me
3 that in advance so that my heart kept beating.

4 MS. GLATFELTER: Sorry. I apologize, Your Honor.
5 So this is not a matter we think needs to be resolved right
6 now, but we think we wanted to give the Court advanced
7 notice so it could think about this.

8 THE COURT: And the Defense as well?

9 MS. GLATFELTER: Yes.

10 THE COURT: Very well. Number three perhaps?

11 MS. GLATFELTER: The third matter is something that
12 pertains to the next witness, and I raise it merely to avoid
13 a sidebar during cross-examination.

14 THE COURT: You don't like to see me at sidebar?

15 MS. GLATFELTER: I, I like sidebars, but I know
16 they're distracting for the Court and the Jury.

17 The next witness is a witness from the Belgian
18 Police who assisted in the arrest and executing the MLAT's
19 in this case.

20 Based on the Defendant's -- the Defense counsel's
21 questions to me last night, it occurs to me that Defense
22 counsel is going to inquire into whether the Defendant was
23 interviewed, and what he said during that interview. That
24 would be classic hearsay.

25 The Defense counsel or Defense counsels's not able

1 to inquire of a Government witness or his own witness what
2 defense -- or what the Defendant said. If the Defendant
3 wants to testify, he may; but they are not able to inquire
4 about his statements on the cross-examination of the
5 Government witness.

6 THE COURT: Because?

7 MS. GLATFELTER: Because it's hearsay. It's not a
8 party opponent.

9 THE COURT: Very well.

10 MS. GLATFELTER: So we ask that this line of
11 questioning be excluded, and we wanted to bring it -- to
12 raise it before the Court now so we didn't have to have a
13 sidebar.

14 THE COURT: And you couldn't have raised it
15 earlier?

16 MS. GLATFELTER: I, I understood this last night
17 after the Court recessed when Defense counsel was asking me
18 about reports.

19 THE COURT: This Judge and/or his law clerk is
20 available 24/7. Does Defense wish to be heard on this
21 issue?

22 MR. MIEDEL: Your Honor, I'm not going to ask about
23 that.

24 THE COURT: Is that sufficient, Ms. Glatfelter?

25 MS. GLATFELTER: Yes, it is. Thank you, Your

1 Honor.

2 THE COURT: I'm feeling so much better. Are we
3 ready to get the Jury from the Government's perspective?

4 MS. GLATFELTER: Yes, Your Honor. Thank you.

5 THE COURT: And are we ready from the Defendant's
6 perspective?

7 MR. MIEDEL: Yes, Your Honor.

8 THE COURT: And where is the witness?

9 MS. GLATFELTER: He is outside the courtroom in the
10 witness room.

11 THE COURT: I would suggest we get him and bring
12 him into the courtroom in your area as we're getting the
13 Jury.

14 MS. GLATFELTER: Yes, Your Honor.

15 THE COURT: Ms. Santoro, would you ask for the
16 Jury, please?

17 COURTROOM DEPUTY: Yes, Judge.

18 THE COURT: The two folks in the gallery first row
19 are not social distancing at their own election; is that
20 right?

21 UNIDENTIFIED MAN: (Nods head affirmatively.)

22 THE COURT: And now almost social distancing. I
23 didn't mean to break anything up.

24 You're welcome to approach the law clerk.

25 MR. MANGAN: Thank you, Your Honor. In the absence

1 of the Jury, does the Government know when it's presenting
2 proposed Jury instruction?

3 MS. GLATFELTER: Your Honor, the Government's
4 flexible. We would, we would propose sometimes -- sometime
5 before a witness who may be asked these types of questions
6 again may testify.

7 THE COURT: Today? Tomorrow?

8 MS. GLATFELTER: Probably tomorrow morning would be
9 fine.

10 THE COURT: Very well. Thank you.

11 COURTROOM DEPUTY: All rise for the Jury.
12 (Jury entered the Courtroom.)

13 THE COURT: You may all be seated. Jurors have
14 arrived. Are we missing a Juror? Let's just pause quietly.
15 I'm going to ask everybody to rise.

16 COURTROOM DEPUTY: Please rise.

17 THE COURT: Apparently we are.
18 (A Juror entered the Courtroom.)

19 THE COURT: You may all be seated. All 15 Jurors
20 have arrived. Ma'am, I think I overheard we locked you out,
21 and my apologies.

22 JUROR: No worries.

23 THE COURT: Relax. To all members of the Jury,
24 good morning. Thank you for being here timely. It's 9:35
25 on the courtroom clock. Getting you here, here in the room

1 on time is often a legal miracle, and we are delighted --
2 not because of you -- because of other matters that require
3 our attention outside your presence.

4 You're here. You had a big day yesterday. We're
5 going to continue to hear testimony. Keep an open mind.

6 The Government is prepared to call its next
7 witness. Who does the Government call?

8 MS. GLATFELTER: Thank you, Your Honor. Emily
9 Glatfelter for the Government, and we call Stijn Berrevoets.

10 THE COURT: If that gentleman would be willing to
11 approach? We're going to put you in the witness stand over
12 here (Indicating), and if you would pause for the oath to
13 tell the truth and raise your right hand.

14 **STIJN BERREVOETS, GOVERNMENT'S WITNESS, SWORN**

15 THE WITNESS: I do.

16 THE COURT: Very well. You can get up in the
17 witness chair. Sometimes it tips back. There is a fancy
18 Federal microphone in front of you that we're really going
19 to -- there you go. And good morning.

20 THE WITNESS: Good morning.

21 THE COURT: You apparently speak English?

22 THE WITNESS: Yes.

23 THE COURT: Welcome to Cincinnati.

24 THE WITNESS: Thank you.

25 THE COURT: Government may proceed.

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1 MS. GLATFELTER: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. GLATFELTER:

4 Q Now, sir, can I ask you to state and spell your name
5 for the court reporter?

6 A My name is Stijn Berrevoets, and it is S-T-I-J- --

7 Q I'm sorry --

8 COURT REPORTER JULIE HOHENSTEIN: I need you to get
9 closer to mic and speak up, please.

10 THE WITNESS: My name is spelled Sierra Tango India
11 Juliett November. And my name last is Berrevoets, Bravo
12 Echo Romeo Romeo Echo Victor Oscar Echo Tango Sierra.

13 COURT REPORTER JULIE HOHENSTEIN: Your Honor, I'm
14 having a hard time understanding him --

15 THE COURT: I understand.

16 COURT REPORTER JULIE HOHENSTEIN: -- and the volume
17 is really low.

18 THE COURT: Do not hesitate to speak up. State
19 your name, again? Just your name.

20 THE WITNESS: My name is Stijn Berrevoets.

21 THE COURT: You may proceed.

22 MS. GLATFELTER: Thank you, Your Honor.

23 BY MS. GLATFELTER:

24 Q Mr. Berrevoets, in what country do you reside?

25 A I live in Belgium.

1 **Q** Are you a citizen of Belgium?

2 **A** Yes, I am. I'm a Belgium citizen.

3 **Q** And are you employed there?

4 **A** Yes.

5 **Q** How so?

6 **A** I work for the Belgium Federal Police.

7 **Q** Can you describe to the ladies and gentlemen of the
8 Jury what the Belgium Federal Police does?

9 **A** Well, Belgium we have one police force, which is based
10 on two pillars. The first pillar is the local police. Work
11 on a certain territory, like, one city or for multiple
12 municipalities, and the other pillar is a Federal Police,
13 works over all the territory of Belgium.

14 Both have, like, tasks which sometimes can be the
15 same, like, upholding traffic laws. Traffic for local
16 police it's on local roads. For the Federal Police, it
17 would be, like, upholding the traffic laws on highways.

18 This also goes for judicial investigations. Like,
19 small investigations on local drug deals will be dealt with
20 by the local police, and larger cases with international
21 contacts are dealt with by Belgium Federal Police.

22 I work for the Belgium Federal Police and the Federal
23 Judicial Police of Brussels -- that's the capitol of
24 Belgium -- in one of the local, one of the regional
25 departments of the, within the Belgium Federal Police in

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1 Brussels.

2 Q So, sir, if I understand what you've described to us,
3 there's a local portion of the Belgian Police and also a
4 sort of national or Federal portion. You work for the
5 Federal parts?

6 A Yes, that's correct.

7 Q Okay. And are your -- can you describe to the Jury
8 what your duties are as a Federal Police Officer?

9 A So personally I work in the Federal Judicial Police of
10 Brussels. Lead judicial investigations where I work in the
11 counterterrorism unit, and we do criminal investigations in
12 counterterrorism. We do investigations on radical Islam,
13 right-wing extremists --

14 COURT REPORTER JULIE HOHENSTEIN: I'm sorry. What
15 was that?

16 THE WITNESS: Right-wing extremism.

17 THE COURT: Right-wing extremists.

18 COURT REPORTER JULIE HOHENSTEIN: Thank you. I'm
19 getting a lot of feedback.

20 THE COURT: Hey, we're doing great. I've got it
21 written on the screen in front of me. I'm sorry you don't.
22 We interrupted Counsel.

23 **BY MS. GLATFELTER:**

24 Q Thank you. So you were describing your duties, and in
25 the course of those duties, did you become involved in an

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1 investigation of an individual named Xu Yanjun?

2 **A** Yes, I did.

3 **Q** Were you involved in his arrest?

4 **A** Yes, I was.

5 **Q** When did that arrest take place?

6 **A** The arrest took place on April 1st, 2018.

7 **Q** And generally where? In what city and what country?

8 **A** In Brussels. In the historical center of Brussels and
9 in the Galleries of Saint Hubert, as we call it.

10 COURT REPORTER JULIE HOHENSTEIN: In the what?

11 THE WITNESS: In the stretch of the Galleries of
12 Saint Hubert, is the Saint Hubert Galleries --

13 COURT REPORTER JULIE HOHENSTEIN: Your Honor --

14 THE COURT: We didn't get that. Can we --

15 MS. GLATFELTER: We will, Your Honor.

16 **BY MS. GLATFELTER:**

17 **Q** So I had asked you generally what city and country,
18 and you had said Brussels, Belgium; right?

19 **A** Brussels, Belgium.

20 **Q** So for right now I want to use just a map just to make
21 sure we're all oriented.

22 MS. GLATFELTER: If I can show the witness page 2
23 of Exhibit 5?

24 (Government's Exhibit 5 marked.)

25 (Government's Exhibit 5 page two shown on the screen for the

1 Court and Witness.)

2 **BY MS. GLATFELTER:**

3 **Q** Do you see that on your screen?

4 **A** Yes.

5 **Q** Okay. And I think you can adjust the screen if you're
6 having difficulty seeing it. You might be able to pull it
7 up or down or maybe scoot your chair back. Okay. And what
8 is this map of?

9 **A** This is a map of the central Europe.

10 **Q** And do you see Belgium generally and Brussels depicted
11 on the map?

12 **A** Yes.

13 **Q** And will it assist you in describing the location of
14 the arrest to the Jury?

15 **A** Excuse me?

16 **Q** Will this help you testify today?

17 **A** Yes.

18 **Q** Okay.

19 MS. GLATFELTER: Your Honor, I ask to admit page
20 two of Exhibit 5 and publish it to the Jury?

21 THE COURT: Any objection?

22 MR. MIEDEL: No objection.

23 THE COURT: Yes.

24 (Government's Exhibit 5 admitted.)

25 MS. GLATFELTER: Your Honor, I ask that page two of

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1 Exhibit 5 be published to the Jury.

2 THE COURT: Very well.

3 (Government's Exhibit 5 page two was shown on the screen for
4 Jury.)

5 **BY MS. GLATFELTER:**

6 **Q** Okay. And you said Brussels Belgium was on the map.
7 Can you describe what color dot represents that area?

8 **A** The red dot depicts Brussels. That's where Brussels
9 is situated in Belgium.

10 **Q** And that is the general city where Xu Yanjun was
11 arrested?

12 **A** Yes, that's correct.

13 **Q** And that's the city where you work generally?

14 **A** Yes.

15 **Q** Okay. Now, the next thing I want to ask you is where
16 in the city he was arrested, and I know that some of the
17 streets may be difficult for the court reporter to
18 understand, so if you can just give us a general location of
19 the area where he was arrested?

20 **A** He was arrested in the, -- it's a French name. It's
21 translated as Saint Hubert Galleries, and they're, like,
22 19th Century shopping mall, and it's in the historical
23 center of Brussels.

24 **Q** That is great. Thank you for the explanation.

25 MS. GLATFELTER: May I please show the witness

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1 Exhibit 7e?

2 THE COURT: Yes.

3 (Government's Exhibit 7e marked.)

4 (Government's Exhibit 7e shown on the screen for the Court
5 and Witness.)

6 **BY MS. GLATFELTER:**

7 **Q** Do you recognize what's depicted in the Government's
8 Exhibit 7e?

9 **A** This is a picture of the galleries that I spoke of.

10 **Q** Okay. So this is a description of the shopping mall
11 that you were just talking about?

12 **A** Yes.

13 **Q** Okay. Is it a fair and accurate picture of the place
14 that you were describing?

15 **A** Yes.

16 MS. GLATFELTER: Your Honor, I'd ask to admit 7e
17 and publish that to the Jury?

18 THE COURT: Any objection?

19 MR. MIEDEL: No objection.

20 THE COURT: Admitted.

21 (Government's Exhibit 7e admitted.)

22 (Government's Exhibit 7e was shown on the screen for Jury.)

23 **BY MS. GLATFELTER:**

24 **Q** Okay. Sir, you said that Xu Yanjun was arrested in an
25 area kind of like a shopping mall. Okay. And is this the

1 area that you were describing?

2 **A** Yes.

3 **Q** Okay. And can you describe generally what this place
4 is to the Jury?

5 **A** This is, like, a closed street with all, with all the
6 luxury shops on the side.

7 **Q** And so if we look at the bottom of the picture on the
8 left and the right side where the people are, are those
9 shops?

10 **A** Yes.

11 **Q** That people can go into?

12 **A** Yes.

13 **Q** Okay. Now, did the arrest of Xu Yanjun occur at the
14 request of another country?

15 **A** Yes.

16 **Q** Is there a word for when that happens? What you're,
17 what you're responding to?

18 **A** An MLAT, is that what you're referring to?

19 **Q** Yes. So are working on MLATs part of your duties and
20 responsibilities as a Belgium Federal Police Officer?

21 **A** Yes, amongst other things, yes.

22 **Q** And so you arrested -- you were arresting Xu Yanjun at
23 the request of another country?

24 **A** Yes.

25 **Q** Okay. And did Belgium have its own separate

1 investigation of Xu Yanjun prior to his arrest?

2 **A** No, we did not.

3 **Q** Was Xu Yanjun alone when he was arrested?

4 **A** No, he was in the companion of another person.

5 **Q** He had another person -- there was another person
6 that was with him?

7 **A** Yes.

8 **Q** Do you recall the name of that individual?

9 **A** The name of the second individual was Xu Heng.

10 **Q** Now, at some point after Xu Yanjun was arrested, did
11 you have the opportunity to transport him to, to court or to
12 a judicial proceeding?

13 **A** Yes.

14 **Q** Okay. And did you have the opportunity to observe him
15 or see what he looks like?

16 **A** Yes.

17 **Q** Do you see him in the courtroom today?

18 **A** Can I stand up and look around?

19 **Q** Yes.

20 THE COURT: Is the podium in the way?

21 MS. GLATFELTER: Yes, probably.

22 THE WITNESS: I see him over there (Indicating.)

23 THE COURT: Very well.

24 **BY MS. GLATFELTER:**

25 **Q** Okay. Can you sit down, and I'll ask you a couple

1 questions?

2 **A** (Witness complies.)

3 **Q** You said that you, you said that you see him in the
4 courtroom. Can you describe where he's located and an
5 article of clothing that he's wearing?

6 THE COURT: Would you step away?

7 THE WITNESS: Can you repeat the second question?

8 **BY MS. GLATFELTER:**

9 **Q** Sure. Can you just describe where you were pointing
10 so the record is clear?

11 **A** So he was situated right behind you (Indicating.) And
12 he is from my standpoint situated on the desk behind you,
13 and if I go left to right, the third person, talking from
14 left to right.

15 MS. GLATFELTER: Your Honor, I'd ask the record to
16 reflect that the witness has identified the Defendant.

17 THE COURT: Yes.

18 **BY MS. GLATFELTER:**

19 **Q** Thank you. You may have a seat.

20 **A** (Witness complies.)

21 **Q** Now, sir, was Xu Yanjun carrying any items with him at
22 the time, at the time of his arrest?

23 **A** Yes.

24 **Q** All right.

25 MS. GLATFELTER: At this time I'd ask to show the

1 witness Government's Exhibit 3.

2 THE COURT: Very well.

3 (Government's Exhibit 3 marked.)

4 (Government's Exhibit 3 shown on the screen for the Court
5 and Witness.)

6 **BY MS. GLATFELTER:**

7 **Q** Do you recognize what's depicted in the photograph,
8 Government's Exhibit 3?

9 **A** Yes. These are two phones that Xu Yanjun was carrying
10 at the time of his arrest.

11 **Q** Okay. And --

12 THE COURT: You keep your voice up. You're doing
13 great. Keep speaking loud.

14 THE WITNESS: I'll get closer to the microphone as
15 well.

16 **BY MS. GLATFELTER:**

17 **Q** Is this a fair and accurate photograph of the phones
18 when they were recovered from Xu Yanjun?

19 **A** Yes, they are.

20 MS. GLATFELTER: Your Honor, at this time I'd ask
21 to admit Government's Exhibit 3, which is the photograph?

22 THE COURT: Any objection?

23 MR. MIEDEL: No objection.

24 THE COURT: It's admitted.

25 (Government's Exhibit 3 admitted.)

1 MS. GLATFELTER: All right. And I'd like to
2 published it to the Jury?

3 THE COURT: Yes, it will come up on the Jury screen
4 momentarily.

5 (Government's Exhibit 3 was shown on the screen for Jury.)

6 **BY MS. GLATFELTER:**

7 **Q** Okay. Sir, how many phones are depicted in this
8 photograph?

9 **A** There are two phones in the pictures.

10 **Q** Okay. Can you describe them for the Jury?

11 **A** One is an iPhone.

12 **Q** Is that the phone that's on the left of the screen?

13 **A** That's on the left, yes.

14 **Q** Okay.

15 **A** And the other one is, the other one is a Huawei
16 smartphone, which is --

17 **Q** Is that pictured on the other side?

18 **A** Yes.

19 **Q** And then what are the -- we see some other objects
20 that are depicted on -- in the photograph, what are those?

21 **A** They are three SIM cards.

22 **Q** What, what generally is a SIM card?

23 **A** A SIM card is a, a card that you would insert into
24 your phone so you can use it so you can have -- you can,
25 like, call, so you can buy it from a provider, and so you

1 can make the call. It's what you pay for to use the
2 infrastructure of the provider.

3 Q Okay. And are they also able to store material?

4 A Yes.

5 Q All right.

6 MS. GLATFELTER: Your Honor, may I approach and
7 show the witness Exhibit 4b?

8 THE COURT: Yes. She's going to walk up to you.
9 (Government's Exhibit 4b marked.)

10 THE WITNESS: (Witness reviews exhibit.)

11 **BY MS. GLATFELTER:**

12 Q All right. Sir, do you recognize Government's
13 Exhibit 4b?

14 A Yes, I do.

15 Q Okay. What is it?

16 A It's a Visa cards.

17 Q Okay. Was this one of the items that Mr. Xu Yanjun
18 had with him when he was arrested?

19 A Yes, it was.

20 Q Is it in substantially the same condition as when it
21 was recovered from Mr. Xu Yanjun?

22 A Yes, it is.

23 Q Okay.

24 MS. GLATFELTER: Your Honor, may I also show the
25 witness on the screen Exhibit 4c?

1 THE COURT: Yes.

2 (Government's Exhibit 4c marked.)

3 (Government's Exhibit 4c shown on the screen for the Court
4 and Witness.)

5 **BY MS. GLATFELTER:**

6 **Q** And do you recognize Government's Exhibit 4c?

7 **A** (Witness reviews exhibit.)

8 THE COURT: On the screen, do you recognize that?

9 **BY MS. GLATFELTER:**

10 **Q** The picture on the left?

11 **A** This is the same --

12 THE COURT: No, no. Look at the screen only. Do
13 you recognize what's on the screen?

14 THE WITNESS: I recognize the Visa card.

15 **BY MS. GLATFELTER:**

16 **Q** Okay. On the left of the screen, is that the same
17 Visa card that I just gave you? This is a photograph of the
18 Visa card?

19 **A** Yes.

20 **Q** Okay.

21 MS. GLATFELTER: And then if I may approach and
22 show the witness Government's Exhibit 4a?

23 THE COURT: Yes. She's going to come over to you.
24 Brace yourself.

25 (Government's Exhibit 4a marked.)

1 THE WITNESS: (Witness reviews exhibit.)

2 **BY MS. GLATFELTER:**

3 **Q** Sir, do you recognize Exhibit 4a?

4 **A** Yes, I do.

5 **Q** And what is it?

6 **A** I believe it's a Chinese ID card, identity card.

7 **Q** Is it in substantially the same condition as when it
8 was recovered from Mr. Xu Yanjun?

9 **A** Yes, it is.

10 **Q** Okay. And is that the other photograph that was
11 depicted on Government's Exhibit 4c, the image on your
12 screen? Do you see that card there?

13 **A** Yes.

14 **Q** Okay. And is it a fair and accurate photo of 4b?

15 **A** Yes, all the dimensions are all translated.

16 **Q** You said there are translations on top of the card?

17 **A** Yes.

18 **Q** Has this -- and that's the way that it's different
19 than the card itself?

20 **A** Yes.

21 **Q** Okay.

22 MS. GLATFELTER: Your Honor, may I admit 4a, 4b,
23 and 4c, and publish to the Jury?

24 THE COURT: Any objection?

25 MR. MIEDEL: No objection.

1 THE COURT: Admitted. We'll show it to the Jury.
2 (Government's Exhibits 4a, 4b, and 4c admitted.)
3 (Government's Exhibit 4c was shown on the screen for Jury.)

4 **BY MS. GLATFELTER:**

5 **Q** Okay. Exhibit 4c are photographs of the physical
6 images I just showed you; is that right? Yes?

7 **A** Yes.

8 **Q** Okay. And can we look at -- if we look at the photos
9 on the screen, it will be easier for the Jury to see those
10 rather than the cards themselves.

11 On the picture on the left, do you see a name where --
12 who the card is issued to?

13 **A** In the bottom left corner there is a name written.

14 **Q** Yes.

15 **A** Xu Yanjun.

16 **Q** Okay. And what bank is this a card for? Is that also
17 on the top of the card?

18 **A** On the top of the card it mentions China Merchant
19 Bank.

20 **Q** Okay. And on the left, you said this was an
21 identification card before?

22 **A** The left?

23 **Q** I'm sorry. On the right?

24 **A** The right?

25 **Q** Yes.

1 **A** Yes, there's also a name written on it.

2 **Q** Is it the same name?

3 **A** It is the same name, yes.

4 **Q** Okay. Is that Xu Yanjun?

5 **A** That's correct.

6 **Q** And is there an address located on the card?

7 **A** Yes, there is.

8 **Q** And what is the city in the address?

9 **A** Nanjing.

10 **Q** Is that N-A-N-J-I-N-G?

11 **A** Yes, it is.

12 **Q** All right. Now, sir, you said that Xu Yanjun was
13 arrested with another individual named Xu Heng?

14 **A** That's correct.

15 **Q** Was Xu Heng carrying any items with him when he was
16 arrested?

17 **A** Yes, he was.

18 MS. GLATFELTER: Your Honor, may I show the witness
19 Exhibits 2a and 2b?

20 THE COURT: Yes.

21 (Government's Exhibits 2a and 2b marked.)

22 MS. GLATFELTER: I need to approach for 2a?

23 THE COURT: Very well.

24 (Government's Exhibit 2b shown on the screen for the Court
25 and Witness.)

1 THE WITNESS: (Witness reviews exhibits.)

2 **BY MS. GLATFELTER:**

3 **Q** Now, sir, I'd like you to open 2a and go ahead and
4 take a look at that.

5 **A** (Witness complies.) (Witness reviews exhibit.)

6 **Q** Do you recognize that?

7 **A** Yes.

8 **Q** Okay. And what is it?

9 **A** It's a Chinese passport.

10 **Q** And is there a name associated with the passport?

11 **A** It's the passport of Xu Yanjun.

12 **Q** You said it was recovered from Xu Heng?

13 **A** That's correct.

14 **Q** Has it been altered in any way?

15 **A** (Witness reviews exhibit.) Well, we seized this
16 passport on, on April 1st, 2018 --

17 **Q** Okay.

18 **A** -- and there is a paper in it which is dated
19 October 8, 2019, so that must have been added.

20 **Q** For 2018?

21 **A** (Witness reviews exhibit.) It says, U.S. Department
22 of Homeland Security Paroled October 8, 2019.

23 **Q** Okay. October 8 of 20 -- I'm sorry. October 8, was
24 that around the time that Mr. Xu Yanjun was extradited to
25 the United States?

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1 **A** I really think he was extradited on October 9, 2018,
2 so.

3 **Q** Okay. We'll look at those in a moment.

4 MS. GLATFELTER: Your Honor, may I show the witness
5 Exhibit 2b and publish it to the Jury? I'm sorry. I'll ask
6 my questions, and then I'll publish.

7 THE COURT: Can you show him 2b?

8 MS. GLATFELTER: Yes, Your Honor --

9 THE COURT: Yes.

10 MS. GLATFELTER: -- show him 2b.

11 (Government's Exhibit 2b shown on the screen for the Court
12 and Witness.)

13 **BY MS. GLATFELTER:**

14 **Q** Do you recognize these photographs?

15 **A** Yes. These are photographs from passport I am
16 holding.

17 **Q** All right. They're the same -- they're photographs of
18 what's inside that passport?

19 **A** Yes, they are.

20 **Q** All right. And if we can look at the, the middle
21 picture --

22 **A** On the top --

23 **Q** -- on the screen on the top, do you know what that
24 depicts?

25 **A** Yes. These are all items that were seized from Xu

1 Heng and that he was carrying in the backpack that -- Xu
2 Heng was carrying a backpack, and these are all items that
3 were in the backpack.

4 MS. GLATFELTER: Your Honor, at this time I'd move
5 to admit 2b and publish to the Jury?

6 THE COURT: Any objection?

7 MR. MIEDEL: No objection.

8 THE COURT: It's admitted.

9 (Government's Exhibit 2b admitted.)

10 MS. GLATFELTER: Okay.

11 **BY MS. GLATFELTER:**

12 **Q** And if we can explain to the Jury what these are. So
13 if we look at the top picture on the left?

14 **A** That's a picture from the passport holder.

15 **Q** Okay. And is there a name associated with -- or is
16 there a city that's associated with the page one there?

17 **A** It was issued at Jiangsu.

18 **Q** I'm sorry a province associated with -- yes, Jiangsu.
19 And do you see a name issued on this -- on the passport page
20 one?

21 **A** Xu Yanjun.

22 **Q** Okay. And these other photographs that were seen of
23 pictures, are those different pages in the passport that
24 you're holding?

25 **A** Yes, apart from the middle photo on top.

1 **Q** Okay.

2 MS. GLATFELTER: Your Honor, at this time I'd ask
3 to admit also Government's Exhibit 2a?

4 THE COURT: Any objection?

5 MR. MIEDEL: No objection.

6 THE COURT: It's admitted.

7 (Government's Exhibit 2a admitted.)

8 MS. GLATFELTER: Your Honor, at this time I'd ask
9 that the witness be shown Exhibit 1b?

10 THE COURT: You haven't published 2a to the Jury.
11 What did you want to do?

12 MS. GLATFELTER: I'm sorry, Your Honor?

13 THE COURT: Did you wish 2a published to the Jury?

14 MS. GLATFELTER: Yes, I can publish the cover of it
15 through the document.

16 THE COURT: Do whatever you choose. I thought we
17 had overlooked something.

18 MS. GLATFELTER: We'll skip it for right now.

19 **BY MS. GLATFELTER:**

20 **Q** Government's Exhibit 2a, the passport, is the same --
21 is the picture that -- the pictures we were looking at are
22 the same pictures as the ones you were holding; right?

23 **A** Yes.

24 MS. GLATFELTER: Okay. If we can move on to
25 Government's Exhibit 1b?

1 (Government's Exhibit 1b marked.)

2 MS. GLATFELTER: And please show that to the
3 witness.

4 (Government's Exhibit 1b shown on the screen for the Court
5 and Witness.)

6 **BY MS. GLATFELTER:**

7 **Q** Were there any tickets that were recovered from Mr. Xu
8 Heng when he was arrested?

9 **A** Yes, there were.

10 **Q** Okay. And do you recognize Exhibit 1b, which is on
11 the screen before you in?

12 **A** Yes. These were two tickets amongst others that were
13 seized from Xu Heng.

14 **Q** Okay. Is this a fair and accurate photo of the
15 tickets that were seized from Xu Heng?

16 **A** Yes, they are.

17 **Q** Okay.

18 MS. GLATFELTER: Your Honor, I'd move to admit
19 Exhibit 1b and publish to the Jury?

20 THE COURT: It's admitted.

21 MR. MIEDEL: No objection.

22 THE COURT: I'm sorry. Was there an objection?

23 MR. MIEDEL: There is not.

24 THE COURT: There is none. It's admitted. You may
25 publish it to the Jury.

1 (Government's Exhibit 1b admitted.)

2 (Government's Exhibit 1b was shown on the screen for Jury.)

3 **BY MS. GLATFELTER:**

4 **Q** Sir, do you see any dates on these tickets?

5 **A** I see the date of March 31st, 2018.

6 **Q** Is that the same date on both of these tickets?

7 **A** Yes, it is.

8 **Q** And is there a name at the top of both tickets which
9 tells you what kind of tickets they are?

10 **A** I can read China Southern on the top in the middle.

11 **Q** Is that an airline?

12 **A** That is an airline.

13 **Q** Okay. Do you see names that these tickets are issued
14 in?

15 **A** I can see the name of Xu Yanjun on the first ticket on
16 the left.

17 **Q** Right. What about on the second ticket?

18 **A** And the second ticket is name of Xu Heng.

19 **Q** And you said that these were tickets that were
20 recovered from Xu Heng?

21 **A** That's right.

22 **Q** Okay. And is there a location or a city on these
23 tickets?

24 **A** Amsterdam.

25 **Q** All right. Besides airline tickets, were any train

1 tickets recovered from Mr. Xu Heng?

2 **A** Yes, there were also train tickets that were
3 recovered --

4 **Q** Okay.

5 **A** -- from Xu Heng.

6 MS. GLATFELTER: I'd ask permission to show the
7 witness Exhibit 1c?

8 THE COURT: Yes.

9 (Government's Exhibit 1c shown on the screen for the Court
10 and Witness.)

11 MS. GLATFELTER: That is not the train ticket. If
12 you can pull up the train ticket?

13 MS. PRIM: 1b page two.

14 MS. GLATFELTER: 1b page two? Sorry.

15 (Government's Exhibit 1b page two marked.)

16 (Government's Exhibit 1b page two was shown on the screen
17 for Jury.)

18 **BY MS. GLATFELTER:**

19 **Q** Sorry. I'm showing the witness what's been marked as
20 Government's Exhibit 1b page two. Do you recognize what
21 these are, sir?

22 **A** Yes, I do.

23 **Q** And what are they?

24 **A** They are tickets for high-speed train.

25 **Q** What kind of high-speed train?

1 **A** It's -- the ticket reads it goes from Avignon to
2 Paris -- from Avignon to Paris.

3 **Q** Are these fair and accurate photographs of the tickets
4 you recovered?

5 **A** Yes, they are.

6 MS. GLATFELTER: Your Honor, I'd ask to admit the
7 exhibit and publish to the Jury, which is 1b page two.

8 THE COURT: 1b page two may be admitted.

9 (Government's Exhibit 1b page two admitted.)

10 (Government's Exhibit 1b page two was shown on the screen
11 for Jury.)

12 **BY MS. GLATFELTER:**

13 **Q** Now, sir, you said that these were train tickets to
14 Avignon -- between Avignon and Paris?

15 **A** Yes, that's correct.

16 **Q** Is that in France?

17 **A** Yes. They're both two cities in France.

18 **Q** Is the TGV, the kind of train that this is, does that
19 only run in France?

20 **A** This mainly in France, but it also go in mainland
21 Europe.

22 **Q** All right. And can you tell a date or an approximate
23 date of these tickets?

24 **A** The date is DEP, for departure, 404, which is 4th of
25 April.

1 **Q** So you -- so to put this in context, you said the
2 arrest was on what date?

3 **A** April 1st.

4 **Q** Okay. And so these tickets would have been a few
5 days -- for a few days after that arrest?

6 **A** Yes.

7 MS. GLATFELTER: Your Honor, at this time I'd like
8 to show the witness Exhibit 1a.

9 (Government's Exhibit 1a marked.)

10 THE COURT: Very well. 1a.

11 (Government's Exhibit 1a shown on the screen for the Court
12 and Witness.)

13 MS. GLATFELTER: And if we can blow it up just a
14 little bit? Thank you.

15 **BY MS. GLATFELTER:**

16 **Q** Sir, do you recognize what's depicted in Government's
17 Exhibit 1a?

18 **A** Yes, these are all pictures taken from the items that
19 were carried by Xu Heng.

20 **Q** Okay. The picture -- and do these picture fairly
21 and accurately represent the items that were taken from Xu
22 Heng?

23 **A** Yes, they are.

24 MS. GLATFELTER: Your Honor, I'd ask permission to
25 publish this exhibit to the Jury, which is 1a?

1 THE COURT: Any objection?

2 MR. MIEDEL: No objection.

3 THE COURT: Admitted. Publish.

4 (Government's Exhibit 1a admitted.)

5 **BY MS. GLATFELTER:**

6 **Q** If we can start with the top photographs, and you can
7 explain to the Jury what that is?

8 **A** That's a backpack that was carried by Xu Heng, and a
9 blue belt pack that was also carried by Xu Heng at the time
10 of his arrest.

11 **Q** And the items that were seen in the rest of the
12 picture, are those items that were contained in the
13 backpack?

14 **A** Yes.

15 **Q** Okay. Can you describe both of the pictures and
16 describe what we're seeing?

17 **A** So the picture on the top left is a backpack and a
18 blue belt pack. And the picture -- second picture on the
19 right top, you can see the laptop. That is tucked away in
20 the backpack.

21 On the left, the second picture starting on top, we've
22 already taken -- taken some items out, and you can see a
23 computer mouse, a charging device, the blue belt pack,
24 bottle of water, some ointment, and amongst other things,
25 and the glasses.

1 **Q** Let me pause right there. And as we go through the
2 pictures, are these pictures sort of blown up or focused on
3 some of the items in the backpack? The rest of the photos.

4 **A** Yes.

5 **Q** Okay. And so if we look at the picture right below
6 that, the one that looks sort of like a triangle with
7 points. What is this?

8 **A** That's a device. You see that little black thing on
9 the bottom, and there was a memory card.

10 **Q** Okay.

11 **A** And the three other ends are different type of
12 connections, so it has a connection for a big USB
13 connection, there's a small one -- a smaller USB connection,
14 and there's a connection for Apple devices.

15 **Q** And just to clarity, we're looking at the third
16 picture on the left side of the screen?

17 **A** Yeah. The left side, and the third starting from the
18 top.

19 **Q** And so what -- I think, if I understand what you're
20 describing is some sort of device that has different
21 connections for things?

22 **A** Yes, that's correct.

23 **Q** You could put a -- did you say you could put a SIM
24 card in the bottom of that and connect it to another
25 device?

1 **A** A memory card.

2 **Q** A memory card. Okay. And what are some of the other
3 items we see, for example, the item to the right? The
4 picture to the right?

5 **A** The pictures to the right, you see a lot of cables.
6 The blue round things are -- were magnetic keys. And
7 there's also a black thing with red letters on it, that's
8 also a card reader that you can insert multiple types of
9 memory cards, and they are connected to a USB outlet.

10 **Q** So in that picture, what -- where is that item
11 depicted, in what picture so we can clarify?

12 **A** That item is also -- that item's also depicted in the
13 third picture on the right starting from the top.

14 **Q** The one with the red letters on it?

15 **A** Yes. That's the one.

16 **Q** Okay. You said that you can stick a memory card in
17 it, and it's a reader. Where do you stick the other end?
18 If you put a memory card in it, where does the end that
19 looks like a plug go?

20 **A** That might go into a laptop or another device.

21 **Q** Okay. And then what about the items at the bottom of
22 Government's Exhibit 1a?

23 **A** These are SIM card holders.

24 **Q** The type of SIM cards that you were talking about
25 previously with respect to items from Mr. Xu Yanjun?

1 **A** Yes.

2 **Q** Did you recover any cash from Mr. Xu Heng?

3 **A** Yes.

4 **Q** Okay. And what kind of denomination -- or what kind
5 of currency was it?

6 **A** It was Euros, U.S. dollars, and Chinese Renminbi,
7 Chinese currency.

8 MS. GLATFELTER: I'd like permission to show the
9 witness Government's Exhibit 1c?

10 THE COURT: Yes.

11 MS. GLATFELTER: Page one.

12 MS. PRIM: 1c?

13 MS. GLATFELTER: Uh-huh.

14 (Government's Exhibit 1c marked.)

15 (Government's Exhibit 1c shown on the screen for the Court
16 and Witness.)

17 **BY MS. GLATFELTER:**

18 **Q** Do you recognize the photographs on Government's
19 Exhibit 1c?

20 **A** Yes, I do.

21 **Q** Okay. And what do these show?

22 **A** These show the brown envelopes in which the money was
23 put in -- was held.

24 **Q** And were these envelopes inside the backpack that you
25 recovered from Mr. Xu Heng?

1 **A** Yes.

2 **Q** Okay. Is this a -- does this fairly and accurately
3 describe the envelopes or depict the envelopes and the money
4 that you recovered?

5 **A** Yes, it is.

6 MS. GLATFELTER: Your Honor, at this time I'd ask
7 for the admission of 1c?

8 THE COURT: Any objection --

9 MR. MIEDEL: No objection.

10 (Government's Exhibit 1c admitted.)

11 MS. GLATFELTER: And I'd like to publish it to the
12 Jury?

13 THE COURT: Yes.

14 MS. GLATFELTER: Thank you, Your Honor.

15 (Government's Exhibit 1c was shown on the screen for Jury.)

16 **BY MS. GLATFELTER:**

17 **Q** All right. You mentioned brown envelopes. Did
18 you -- do you see those depicted on Government's
19 Exhibit 1c?

20 **A** Yes.

21 **Q** Okay. Where are those envelopes, in what pictures?

22 **A** Those envelopes are in picture one -- the first
23 picture on the left from top, and the second -- and the
24 second -- they're in all the pictures.

25 **Q** Okay. And so does picture -- so to orient ourselves,

1 we see a green bag in those pictures?

2 **A** Yes.

3 **Q** And so were the brown envelopes in that green bag?

4 **A** Yes.

5 **Q** Okay. And we're seeing the green bag with the
6 envelopes, and then when you take the envelopes out of the
7 green bag --

8 **A** Yes.

9 **Q** -- right? Okay. And how much money did you collect
10 in the different currencies you mentioned?

11 **A** I believe there was 7,000 U.S. dollars in the brown
12 bags and 7,720 Euros.

13 **Q** All right.

14 MS. GLATFELTER: If we can look at page two? If
15 the witness can look at page two of that exhibit?
16 (Government's Exhibit 1c page 2 was shown on the screen for
17 Jury.)

18 THE WITNESS: (Witness reviews exhibit.)

19 **BY MS. GLATFELTER:**

20 **Q** And when you, when you recovered money from someone
21 who's arrested, do you have rules or procedures about what
22 you do with that money?

23 **A** Yes.

24 **Q** Okay. And do you keep that money in evidence or do
25 you take it somewhere?

1 **A** We have to make a deposit of those, of certain
2 currencies to a central service, which work for both police
3 and our justice.

4 **Q** Okay.

5 **A** And they manage all valuables amongst -- also the
6 foreign currencies that are seized.

7 **Q** And in that process of depositing the money, do you
8 have to count up the money and list the different
9 denominations --

10 **A** Yes.

11 **Q** -- of currency you have? Okay. Is that what
12 Government's Exhibit 1c, page two is depicting?

13 **A** Yes.

14 MS. GLATFELTER: Your Honor, is the Jury seeing
15 page two?

16 THE COURT: 1c has been admitted. What would you
17 like to do?

18 MS. GLATFELTER: I just wanted to make sure that it
19 was the entire one. It wasn't just page one. Because if it
20 was just page one, I was going to ask for the admission of
21 page two.

22 **BY MS. GLATFELTER:**

23 **Q** Does Government's Exhibit 1c, does that demonstrate --
24 or is that a picture of some of the money that was
25 recovered --

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1 **A** Yes, it is.

2 **Q** -- in the U.S. currency? And how many \$100 bills were
3 recovered?

4 **A** 70.

5 **Q** They were all \$100 bills?

6 **A** Yes.

7 **Q** Now, at some point in 2018 was Xu Yanjun extradited to
8 the United States?

9 **A** Yes, he was extradited.

10 **Q** Okay. And what happened to the phones and the
11 passport that we have and the bank card and the ID card that
12 we looked here at today, how did those get here?

13 **A** At the time of the extradition, they were also -- the
14 rest of the items was also given to the officers who did the
15 extradition.

16 **Q** And so that includes the four -- the phones that we
17 looked at before?

18 **A** Yes, that's correct.

19 **Q** Phones from Mr. Xu Yanjun and Mr. Xu Heng?

20 **A** Yes, that's correct.

21 **Q** Okay. And also the ID card that we looked at and the
22 bank card?

23 **A** Yes.

24 **Q** And the passport?

25 **A** Yes.

1 **Q** And did you have to hand over the passport to the U.S.
2 officials at the time of extradition?

3 **A** Yes.

4 MS. GLATFELTER: Just one moment, Your Honor.

5 THE COURT: Very well.

6 (Ms. Glatfelter confers with co-counsel.)

7 **BY MS. GLATFELTER:**

8 **Q** All right. One last, one last exhibit I want you to
9 review is Exhibit 1d.

10 MS. GLATFELTER: I'd ask that the witness be able
11 to look at 1d?

12 (Government's Exhibit 1d marked.)

13 THE COURT: 1d?

14 MS. GLATFELTER: Uh-huh.

15 THE COURT: Yes.

16 (Government's Exhibit 1d shown on the screen for the Court
17 and Witness.)

18 **BY MS. GLATFELTER:**

19 **Q** All right. Were these the phones that you were
20 referring to earlier?

21 **A** These are the phones that were seized from Xu Heng.

22 **Q** Okay. And how many phones were taken from Xu Heng?

23 **A** Two.

24 **Q** And do we see those both depicted in Government's
25 Exhibit 1d?

1 **A** Yes.

2 MS. GLATFELTER: Your Honor, permission to publish
3 -- to admit this and publish to the Jury?

4 MR. MIEDEL: No objection.

5 THE COURT: They're admitted.

6 MS. GLATFELTER: Okay.

7 (Government's Exhibit 1d admitted.)

8 (Government's Exhibit 1d was shown on the screen for Jury.)

9 **BY MS. GLATFELTER:**

10 **Q** Sir, you said that there were two phones. Do you see
11 those both on Government's Exhibit 1d?

12 **A** Yes. They are both on those pictures.

13 **Q** Okay. And these were phones taken from Mr. Xu Heng?

14 **A** That's correct.

15 **Q** Okay. What types of phones were they?

16 **A** One is an iPhone and the other one is a Honor
17 smartphone.

18 **Q** Okay. And were -- and you said both of these phones
19 were given to the U.S. authorities at the time of the
20 extradition as well?

21 **A** Yes.

22 **Q** Okay. Thank you.

23 (Ms. Glatfelter confers with co-counsel.)

24 MS. GLATFELTER: Thank you, Your Honor. No further
25 questions.

1 THE COURT: Very well. The attorney for the
2 Defendant now gets a chance to ask questions of you, sir.
3 Cross-examination?

4 MR. FLORIAN: Thank you, Your Honor.

5 THE COURT: Very well.

6 **CROSS-EXAMINATION**

7 **BY MR. MIEDEL:**

8 **Q** Good morning, Mr. Berrevoets.

9 **A** Good morning.

10 **Q** My name is Florian Miedel, and I'm one of the
11 attorneys for Mr. Xu.

12 **A** Uh-huh.

13 **Q** Mr. Berrevoets, what is your title with the Federal
14 Belgium Police?

15 **A** I'm Chief Inspector.

16 **Q** I will call you Chief Inspector. Inspector
17 Berrevoets, you testified earlier that you arrested -- or
18 you participated in the arrest of Mr. Xu; correct?

19 **A** Yes, that's correct.

20 **Q** And you participated in that arrest as you testified
21 based on a request for legal assistance from the United
22 States; correct?

23 **A** That's correct.

24 **Q** And that request for legal assistance was based on an
25 arrest warrant issued here in the Southern District of Ohio;

1 correct?

2 **A** Yes.

3 **Q** And you reviewed that request for legal assistance
4 before you arrested Mr. Xu?

5 **A** Well, that is reviewed throughout the transition.
6 Through the transition of that, that international search
7 warrant, which goes from the Ministry of Justice, your
8 Department of Justice to our Federal Government Service of
9 Justice to the prosecutor's office in Brussels, and then it
10 comes to the Federal Judicial Police, yes.

11 **Q** Right. My question is simply, did you personally
12 review the paperwork before you arrested Mr. Xu?

13 **A** Yes.

14 **Q** So you were aware of what Mr. Xu was accused of doing;
15 correct?

16 **A** Yes.

17 **Q** You're aware that he was accused of conspiring and
18 attempting to steal trade secrets; right?

19 **A** Yes.

20 **Q** And you're aware based on your review of that
21 paperwork that Mr. Xu was accused of conspiring and
22 attempting to steal trade secrets by identifying and
23 recruiting experts in aviation and bringing them to China;
24 correct?

25 **A** Yes.

1 **Q** And then trying to get those experts to reveal trade
2 secrets, that was the accusation; correct?

3 **A** Yes.

4 **Q** And as far as you are aware, he was not accused of
5 engaging in any computer hacking; correct?

6 MS. GLATFELTER: Your Honor?

7 THE COURT: Yes.

8 MS. GLATFELTER: I'm going to raise the same type
9 of objection I raised --

10 THE COURT: I'm sorry. I can't hear.

11 MS. GLATFELTER: I'm going to ask for a sidebar --

12 THE COURT: I'll see the lawyers at sidebar. We're
13 going to sit quietly, and I'm going to listen to the
14 lawyers.

15 (Sidebar conference held.)

16 MS. GLATFELTER: Your Honor, I'm objecting for him
17 asking about the content of the conspiracy charges and what
18 they included or did not include. This is completely
19 improper questioning before the Jury.

20 The Court has determined it's a valid indictment,
21 and it can go to the Jury for consideration. This is
22 essentially a Jury nullification argument where the Defense
23 is trying to act like a conspiracy that we're putting on in
24 front of the Jury is not part of the defense. This is
25 straight Jury nullification.

1 MR. MIEDEL: Judge, the Government in its direct
2 examination talked about the fact that the arrest was based
3 on the request for legal assistance from the United States.
4 I'm simply going into his state of mind of what he knew when
5 he arrested the Defendant in Belgium.

6 THE COURT: I don't agree with -- that that's
7 what's going on, and I don't think you should be examining
8 him as to what the arrest warrant contained.

9 MR. MIEDEL: I'll move on then.

10 THE COURT: So the objection is sustained, and he's
11 going to move on.

12 MS. GLATFELTER: Thank you, Your Honor.

13 THE COURT: Very well.

14 (Sidebar conference concluded.)

15 THE COURT: Very well. You may proceed, Counsel.

16 MR. MIEDEL: Thank you.

17 **BY MR. MIEDEL:**

18 **Q** Inspector, you testified earlier that you recovered
19 two phones from Mr. Xu?

20 **A** Which Mr. Xu?

21 **Q** I'm sorry. Xu Yunjan?

22 **A** Yes, that's correct.

23 **Q** And you, you don't know whether one or both of those
24 phones was a business phone or personal phone or anything
25 like that, do you?

1 **A** No.

2 **Q** Okay. Now --

3 THE COURT: Excuse me. Whose phone is the witness
4 speaking of?

5 MR. MIEDEL: The Defendant's phone, Xu Yanjun.

6 THE COURT: Very well.

7 **BY MR. MIEDEL:**

8 **Q** Inspector, you testified that the Belgium Police, and
9 you included, did not conduct any kind of independent
10 investigation into Mr. Xu; correct?

11 **A** That's correct.

12 **Q** You effectuated the arrest of Mr. Xu simply based on
13 directives that came from higher up; correct?

14 **A** Yes, based on the international request.

15 **Q** So you did not have -- you did not personally
16 investigate Mr. Xu and determine whether or not he tried to
17 steal trade secrets; right?

18 **A** That's correct.

19 **Q** You don't have any idea about that?

20 **A** That's correct.

21 MR. MIEDEL: One moment, Your Honor.

22 (Mr. Miedel confers with co-counsel.)

23 MR. MIEDEL: I have nothing further. Thank you.

24 THE COURT: Redirect, if any?

25 MS. GLATFELTER: No, Your Honor. Thank you.

1 THE COURT: Very well. You have completed your
2 testimony, and if you want to go home, you're entitled to go
3 home. We appreciate you being here.

4 THE WITNESS: Thank you. It was my pleasure to be
5 here.

6 THE COURT: You may step down, leave the room, and
7 do what you do.

8 THE WITNESS: Do I leave this (Indicating) here?

9 THE COURT: Leave all the stuff there. You can
10 take the water. It's probably yours.

11 (The witness exited the witness stand.)

12 THE COURT: We've only been at it for less than
13 an hour. Where do we stand from the Government's
14 perspective?

15 MR. MANGAN: We're ready to call the next witness,
16 unless you'd like to move the break to now.

17 THE COURT: I don't think so. When do we take a
18 good break? It's in the instructions.

19 COURTROOM DEPUTY: 10:45, I believe.

20 THE COURT: What?

21 COURTROOM DEPUTY: 10:45.

22 THE COURT: 10:45. So you've got 20 minutes at it.
23 You ready to go?

24 MR. MANGAN: Yes, we are, Your Honor.

25 THE COURT: Who does the Government call?

1 MR. MANGAN: The Government calls Special Agent
2 Todd Vokas.

3 THE COURT: Very well. He's in the witness room
4 apparently, and we've gone to retrieve him.

5 Sir, if you'd be willing to approach, we're going
6 to put you in the witness stand over here (Indicating.) And
7 if you would pause where you are for the oath to tell the
8 truth. If you'd raise up your right hand?

9 **TODD VOKAS, GOVERNMENT'S WITNESS, SWORN**

10 THE WITNESS: I do.

11 THE COURT: Very well. You can climb up into the
12 witness stand and get settled. You have a very expensive
13 Federal microphone that has not been all that helpful. I
14 want you to keep your voice up and stay close to it if you
15 can.

16 THE WITNESS: Yes, sir.

17 THE COURT: You may proceed, Mr. Mangan, when
18 you're prepared.

19 MR. MANGAN: Thank you, Your Honor. May I remove
20 my mask?

21 THE COURT: Yes.

22 MR. MANGAN: Thank you. They fog up too much.

23 THE COURT: Understood.

24 **DIRECT EXAMINATION**

25 **BY MR. MANGAN:**

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1 **Q** Good morning, Special Agent Vokas. Could you please
2 state your full name for the record, please?

3 **A** Yes, it's Todd Andrew Vokas.

4 **Q** And where do you currently work?

5 **A** I work in the Cincinnati Division here for the F.B.I.,
6 Federal Bureau of Investigation.

7 **Q** And what is your job title there?

8 **A** I'm a Special Agent.

9 **Q** All right. And, Agent Vokas, do you have a college
10 degree?

11 **A** I do.

12 **Q** Where did you obtain your college degree?

13 **A** From Xavier University in Cincinnati, Ohio.

14 **Q** What year did you obtain that?

15 **A** 2014.

16 **Q** All right. Did you obtain any graduate degrees?

17 **A** I did.

18 **Q** Where was that?

19 **A** Xavier University in Cincinnati, Ohio.

20 **Q** Okay. And in what field?

21 **A** Business administration.

22 **Q** All right. Was that an MBA?

23 **A** That was.

24 **Q** Okay. What year did you complete your MBA?

25 **A** 2015.

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1 **Q** All right. While you were pursuing your MBA, did you
2 ever work for the F.B.I.?

3 **A** I did.

4 **Q** How so?

5 **A** I was an intern.

6 **Q** All right. And at some point, did you become
7 introduced to work in cyber security?

8 **A** I did. I should clarify that I was an intern on the
9 cyber squad.

10 **Q** All right. And did you ever take any instruction in
11 cyber security?

12 **A** I did.

13 **Q** Where, sir?

14 **A** The University of Cincinnati.

15 **Q** All right.

16 **A** Cincinnati, Ohio.

17 **Q** Can you explain what training you received there?

18 **A** I completed a grad -- undergraduate certification in
19 cyber security.

20 **Q** All right. What year did you finish that?

21 **A** 2016.

22 **Q** Okay. And in 2016, did you pursue full-time
23 employment?

24 **A** I did.

25 **Q** And where did you start working?

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1 **A** The Federal Bureau of Investigation in Cincinnati,
2 Ohio.

3 **Q** Okay. And what was your role when you started there
4 in 2016?

5 **A** I was a -- as the F.B.I.'s identified it -- an ITSFE
6 or an Information Technology Specialist Forensic Examiner,
7 more simply put a digital forensic examiner.

8 **Q** All right. Have you ever heard the term a CART
9 Examiner?

10 **A** Yes.

11 **Q** What is that?

12 **A** The same position, just the lingo used within the
13 F.B.I.

14 **Q** All right. What's the real easy way to explain what
15 you do as a forensic digital examiner?

16 **A** Essentially what we do is we receive requests from
17 Case Agents who have an assortment of digital evidence
18 that need processing and review, and depending on how the
19 Agent submits that request, we will always create a
20 forensic image -- or a copy -- of the data from a digital
21 evidence item, like, a cell phone or a laptop. We then
22 run it through our software -- or a processing tool --
23 that will take that data and sort it in a user-friendly
24 format.

25 **Q** All right. I'll get into the details in a moment; but

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1 as a forensic digital examiner, did you generally deal with
2 electronic evidence that came into the F.B.I.?

3 **A** Yes.

4 **Q** And at some -- how long did you work as a CART
5 Examiner?

6 **A** Approximately three and a half.

7 **Q** And did you have to undergo training through the
8 F.B.I. for that?

9 **A** I did.

10 **Q** All right. And how long did that training take?

11 **A** That training took 18 months.

12 **Q** Okay. Did you later become a Special Agent?

13 **A** I did.

14 **Q** Explain when that happened?

15 **A** March 1st of 2020.

16 **Q** Okay. Is when you went to Quantico?

17 **A** Is when I reported for duty at Quantico, that's
18 correct.

19 **Q** Right before the pandemic?

20 **A** Right before the pandemic.

21 **Q** How did that go?

22 **A** Not well.

23 **Q** All right. When did you complete your training at
24 Quantico?

25 **A** We completed -- because of the pandemic we were

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1 delayed. We completed early December of 2020.

2 Q Okay. Currently you said you work as a Special Agent;
3 correct?

4 A I do.

5 Q What squad do you work on?

6 A I'm on the Cincinnati Cyber Task Force.

7 Q Okay. And what types of cases do you handle there?

8 A Predominantly financially motivated cyber
9 investigations. Be it a business E-Mail compromise,
10 possibly ransomware, cases such as that.

11 Q All right. Let's go back to when you were a CART
12 Examiner. When you were a CART Examiner, did become
13 involved in the investigation relating to Xu Yanjun?

14 A I did.

15 Q All right. And what was your role in the
16 investigation?

17 A I was the primary forensic examiner for that
18 investigation.

19 Q All right. Did you ever meet the Defendant?

20 A I did not.

21 Q All right. Did you ever interview witnesses?

22 A I did not.

23 Q You strictly worked with the digital evidence?

24 A I did.

25 Q All right. Let's go back and talk a little bit about

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1 that process. Let's take the example of a cell phone.

2 When you receive a cell phone as a digital examiner,
3 what is the process you go through to analyze it?

4 **A** Yeah. So the process starts with a physical
5 inventory. Essentially I review the device to make sure
6 there's no damage to it; and then once I've confirmed that,
7 I attach it to an examination computer, where I perform an
8 extraction of that device.

9 Once the extraction has completed, I process it in a
10 forensic tool -- or forensic suite -- which then provides
11 the information or sorts the data that was extracted in a
12 user-friendly format so it's easy to view.

13 I can subsequently provide that to the Case Agent at
14 their request for an investigative review.

15 **Q** Okay. So for something like a cell phone, what is the
16 forensic tool you typically use?

17 **A** For cell phones we use the Cellebrite Forensic Suite.

18 **Q** All right. And is Cellebrite a company that develops
19 that software?

20 **A** Yes.

21 **Q** All right. And is that tool typically used by a lot
22 of law enforcement agencies?

23 **A** It is.

24 **Q** All right. And then once you processed it through
25 Cellebrite, is there a report or a viewer that allows you

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1 to, you know, read it in an easy format?

2 **A** There is.

3 **Q** All right.

4 **A** There's a --

5 **Q** Have you heard of something called a UFED Report?

6 **A** Yes, the UFED Report is the user-friendly report that
7 you can generate from the Cellebrite Forensic Suite.

8 **Q** Is there something called a UFED Reader?

9 **A** There is.

10 **Q** And what does that do?

11 **A** The UFED Reader report is a, it's a report that is
12 loaded into a program, the UFED Reader program, and it
13 allows someone to review it in a simple program that, again,
14 divides the -- or parses the information so that it's easy
15 to navigate through.

16 There's certain tabs for certain types of evidence.
17 It's not a large collection. It's a program you're
18 reviewing the report through.

19 **Q** All right. So let's say you've got a cell phone that
20 you've analyzed through Cellebrite, and you're looking at it
21 through the UFED Reader, are you able to then click on
22 different topics or find different things?

23 **A** That's correct.

24 **Q** Okay. And what would be examples of some of those
25 things?

1 **A** In the normal processing of a cell phone, examples
2 that you would be able to select and review would be
3 possibly images, chat conversations, be it instant messages
4 or through a chat application. There would be videos,
5 calendar entries.

6 **Q** Okay. So this UFED Report that you're looking at, is
7 it also possible to print off the pages like a PDF?

8 **A** That's correct.

9 **Q** To give us a sense of scope for your typical iPhone,
10 let's say today, if you put that into a UFED Reader, how
11 large would that report be in terms of pages?

12 **A** It could be thousands and thousands of PDF pages.

13 **Q** All right. And that's just based on the amount of
14 data that's stored in a modern iPhone?

15 **A** That's correct.

16 **Q** All right. Let me ask you about one other term. Have
17 you heard of something called CAIR, C-A-I-R?

18 **A** I have.

19 **Q** And what is that?

20 **A** CAIR stands for Case Agent Investigative Review.

21 **Q** Can you explain what it is?

22 **A** Yes. CAIR is more so a concept than anything else.
23 It's the process of a forensic examiner creating a report or
24 processing evidence into a format that is easily reviewed by
25 the investigative team.

1 It's then placed in a forensically sound environment
2 and access to that environment is provided to the Case Agent
3 and his investigative team for them to review the evidence
4 themselves.

5 **Q** All right. Agent Vokas, turning to this case, are you
6 aware of the digital evidence that was seized in Belgium
7 during the Defendant's arrest?

8 **A** Yes.

9 **Q** And were you involved in processing that information?

10 **A** I was.

11 **Q** Did that include phones?

12 **A** That did.

13 **Q** All right. How many phones were turned over for you
14 to process?

15 **A** Four smartphones.

16 **Q** Okay. Did you obtain forensic copies of those phones?

17 **A** I did.

18 **Q** All right. Did you ever travel to Belgium?

19 **A** I did.

20 **Q** All right. And was that to obtain those forensic
21 copies?

22 **A** It was.

23 **Q** All right. And did you analyze those forensic copies
24 of the phones in the process you just described?

25 **A** I did.

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1 Q All right. And then later on were the original phones
2 actually transferred to the F.B.I.?

3 A They were.

4 Q All right. And were you able to analyze them in the
5 same way?

6 A Yes.

7 Q All right. Were those four phones analyzed using
8 Cellebrite?

9 A They were.

10 Q Okay. And did that generate a UFED Report for each of
11 the phones?

12 A Yes.

13 Q Okay. Let's start talking about these phones. Do you
14 recall one of the phones being -- it's called a Huawei Mate
15 S phone?

16 A I do recall.

17 Q Okay.

18 MR. MANGAN: I'll ask that the Juror -- excuse
19 me -- that the witness be able to look at Exhibit 6a?

20 THE COURT: Yes.

21 (Government's Exhibit 6a marked.)

22 (Government's Exhibit 6a shown on the screen for the Court
23 and Witness.)

24 MR. MANGAN: And, Your Honor --

25 BY MR. MANGAN:

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1 Q Do you have the binder there?

2 A I do.

3 Q It may be easier for him to look in the binder.

4 THE COURT: He has a binder in front of him. Is 6a
5 in there, sir?

6 **BY MR. MANGAN:**

7 Q Agent Vokas, you can either look at the screen, or if
8 you need to flip to the -- the screen that's really close
9 to you?

10 A I can read the screen.

11 Q Okay. Very good. Do you recognize what this is,
12 sir?

13 A I do. It is an Extraction Report for a Huawei Mate
14 S.

15 Q And this exhibit, is this the entire UFED Report?

16 A This is not.

17 Q Okay. Is it simply an excerpt?

18 A Yes.

19 Q All right.

20 A This is the front page of a PDF report.

21 Q Okay. And does it cover some of the initial
22 indication of what's included in the report?

23 A It does.

24 Q All right.

25 MR. MANGAN: Your Honor, we'd move to admit Exhibit

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1 6a?

2 THE COURT: Any objection?

3 MR. MIEDEL: No objection.

4 THE COURT: It's admitted.

5 (Government's Exhibit 6a admitted.)

6 MR. MANGAN: May we publish?

7 THE COURT: Yes. It will come up on the Jurors's
8 screen.

9 (Government's Exhibit 6a was shown on the screen for Jury.)

10 **BY MR. MANGAN:**

11 **Q** And what I'm going to ask you, Agent Vokas, is looking
12 at Exhibit 6a --

13 MR. MANGAN: If we could zoom in a little bit
14 there? Thank you.

15 **BY MR. MANGAN:**

16 **Q** Who's listed as the examiner?

17 **A** Myself.

18 MR. MANGAN: And if we scan down to the device
19 information?

20 **BY MR. MANGAN:**

21 **Q** Does it indicate what the manufacturer was for this
22 phone?

23 **A** It does.

24 **Q** And who was it?

25 **A** Huawei.

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1 Q And does it indicate a version? Or a type of phone?

2 A Yes, it is a Mate S.

3 Q All right. Now, if we could turn to -- first of all,
4 let's just try to explain what this is for the Jury.

5 Does a typical cell phone UFED Report have this kind
6 of device information listed at the beginning of the
7 report?

8 A It does.

9 Q All right.

10 MR. MANGAN: And if we can turn to page two?

11 (Government's Exhibit 6a page two was shown on the screen
12 for Jury.)

13 BY MR. MANGAN:

14 Q All right. Then it has a section called Image Hash
15 Details; do you see that?

16 A I do.

17 Q And then the Plugins, can you explain what that is?

18 A The Plugins are the Plugins that the processing tool,
19 Cellebrite, uses during its processing of the extraction
20 you've uploaded into the program.

21 Q All right. Thank you.

22 MR. MANGAN: We'll turn to page three, please?

23 (Government's Exhibit 6a page three was shown on the screen
24 for Jury.)

25 BY MR. MANGAN:

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1 Q And then if we look at the top there where it says
2 Contents, explain what this is for the Jury?

3 A The Contents section contains all of the items that
4 are listed in the complete report.

5 Q All right. And if we look at the section where it
6 says Passwords; do you see that there?

7 A I do.

8 Q Is that one of the items that can come up in the
9 report?

10 A That is.

11 Q All right. And how many passwords are indicated for
12 this device?

13 A Three.

14 Q And then just as an example for the Jury, if we go
15 down to the Data Files, where it says Images, roughly --
16 well, how many image files were found on this Huawei?

17 A 20,731.

18 Q All right. Is that why these reports are voluminous?

19 A That is correct.

20 Q All right. Thank you.

21 MR. MANGAN: We can take that exhibit down.

22 **BY MR. MANGAN:**

23 Q I'll have you take a look at Exhibit 6b, sir.

24 (Government's Exhibit 6b marked.)

25 MR. MANGAN: If we could show that to the witness,

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1 please?

2 THE COURT: Yes.

3 (Government's Exhibit 6b shown on the screen for the Court
4 and Witness.)

5 **BY MR. MANGAN:**

6 **Q** Can you identify what this is?

7 **A** This is the Password section of the report for the
8 Huawei Mate S.

9 MR. MANGAN: Your Honor, we'd move to admit?

10 THE COURT: Any objection?

11 MR. MIEDEL: No objection.

12 THE COURT: Admitted.

13 (Government's Exhibit 6b admitted.)

14 MR. MANGAN: And we'd ask to publish?

15 THE COURT: Yes.

16 (Government's Exhibit 6b was shown on the screen for Jury.)

17 **BY MR. MANGAN:**

18 **Q** Agent Vokas, taking a look at Exhibit 6b. We just
19 talked about the Password section; correct?

20 **A** That's correct.

21 **Q** All right. And is this the actual page that shows the
22 three items?

23 **A** That's correct.

24 **Q** All right. And if you can take a look at password
25 number three, under Data, can you read what the password

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1 is?

2 **A** Xuyanjun1980.

3 **Q** All right. Thank you. And, again, this relates as we
4 see up top to the Huawei Mate S?

5 **A** That is correct.

6 **Q** All right. Thank you.

7 MR. MANGAN: We can take that down, please.

8 **BY MR. MANGAN:**

9 **Q** You'd mentioned a number of images can be stored on
10 the phone. When you get into the UFED Reader, can you
11 select all the images and print a report like that for the
12 images?

13 **A** You can.

14 **Q** Can you also pick and choose just certain images so
15 you don't have to pull up all 20,000?

16 **A** That is correct.

17 **Q** All right. I'll have you take a look at --

18 MR. MANGAN: If we can show the witness Exhibit 6c?

19 THE COURT: 6c, yes.

20 (Government's Exhibit 6c marked.)

21 (Government's Exhibit 6c shown on the screen for the Court
22 and Witness.)

23 **BY MR. MANGAN:**

24 **Q** Do you see that, Agent Vokas?

25 **A** I do.

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1 Q Do you recognize what that is?

2 A Yes, this is a Data Files report for -- Extraction
3 Report for the Huawei Mate S including 14 image files.

4 Q All right. And for each of the --

5 MR. MANGAN: Your Honor, could I move -- first of
6 all, I move to admit Exhibit 6c?

7 MR. MIEDEL: No objection.

8 THE COURT: No objection, so it's admitted.
9 (Government's Exhibit 6c admitted.)

10 MR. MANGAN: May we publish?

11 THE COURT: Yes.

12 (Government's Exhibit 6c was shown on the screen for Jury.)

13 **BY MR. MANGAN:**

14 Q All right. Now that the Jury can see it, Agent Vokas,
15 let's talk a little bit about the content. For each of the
16 images --

17 MR. MANGAN: If we could zoom in, for example, on
18 the top, please?

19 (Government's Exhibit 6c was shown on the screen for Jury.)

20 **BY MR. MANGAN:**

21 Q Does it -- what kind of information does it give you
22 for each image?

23 A For each image it gives a name, a path to where the
24 image was located on the extraction, and MD5 hash, which is
25 essentially a digital fingerprint unique to a data file. It

1 also includes the size of the photo in bytes.

2 **Q** All right. If we take a look at the images on here.
3 Image number one; do you see that? There's a thumbnail of
4 it to the right, correct?

5 **A** Correct.

6 **Q** All right.

7 MR. MANGAN: And if we can zoom down, a little
8 further down the page to the bottom where we see image
9 number seven?

10 (Government's Exhibit 6c was shown on the screen for Jury.)

11 **BY MR. MANGAN:**

12 **Q** Does that appear to be another similar picture of the
13 passport?

14 **A** It does.

15 **Q** All right.

16 MR. MANGAN: And then I'll ask if we can just turn
17 to page two for this report of images?

18 (Government's Exhibit 6c page two was shown on the screen
19 for Jury.)

20 **BY MR. MANGAN:**

21 **Q** Do you see image ten, Agent Vokas?

22 **A** I do.

23 **Q** And just generally can you describe what that appears
24 to be on the right?

25 **A** A handwritten note.

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1 Q Okay.

2 MR. MANGAN: And if we scan down to the last image,
3 image 14?

4 (Government's Exhibit 6c page two was shown on the screen
5 for Jury.)

6 **BY MR. MANGAN:**

7 Q Do you see what that is?

8 A I do.

9 Q And what does that appear to be?

10 A A handwritten note.

11 Q All right.

12 MR. MANGAN: If we could take a look at -- thank
13 you. We could set those aside. If you could take a look at
14 image 6d -- excuse me -- Exhibit 6d. If we can show that to
15 the witness, please?

16 THE COURT: 6d as in dog?

17 MR. MANGAN: Yes, Your Honor.

18 THE COURT: Yes.

19 (Government's Exhibit 6d marked.)

20 (Government's Exhibit 6d shown on the screen for the Court
21 and Witness.)

22 **BY MR. MANGAN:**

23 Q Do you recognize these photos?

24 A I do.

25 Q And --

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1 **A** They were the photos that were previously just
2 displayed.

3 **Q** Okay. And then can I ask you if you can take a look
4 at --

5 MR. MANGAN: Well, let me ask, Your Honor, could we
6 move to admit Exhibit 6d?

7 MR. MIEDEL: No objection.

8 THE COURT: Will be admitted.

9 (Government's Exhibit 6d admitted.)

10 MR. MANGAN: Ask to publish?

11 THE COURT: Yes.

12 (Government's Exhibit 6d was shown on the screen for Jury.)

13 **BY MR. MANGAN:**

14 **Q** All right. Agent Vokas, can you describe what these
15 items are?

16 **A** Two passports.

17 **Q** All right. And then if you can look at the one on
18 the left. Can you read the name for the passport on the
19 left?

20 **A** Yes. Surname is Xu. Given name Yanjun.

21 **Q** I'm sorry. I was looking at the one on the left?

22 **A** Oh, I apologize. Xu Heng.

23 **Q** Okay. And for the passport on the right?

24 **A** Xu Yanjun.

25 **Q** All right. And does it have the -- does it have a

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1 date of birth and other information?

2 **A** It does.

3 **Q** All right. I'll ask if you can --

4 MR. MANGAN: We can take that down. If the witness
5 could look at Exhibit 6e, please?

6 (Government's Exhibit 6e marked.)

7 THE COURT: Yes, 6e?

8 MR. MANGAN: Yes, E, Your Honor.

9 THE COURT: Very well.

10 **BY MR. MANGAN:**

11 **Q** Do you recognize that, Agent Vokas?

12 **A** I do.

13 **Q** And what is Exhibit 6e?

14 **A** It's a photo of a handwritten note.

15 **Q** All right. Is this one of the images that was found
16 on the Huawei?

17 **A** Correct. It was previously identified in that image
18 report.

19 **Q** All right.

20 MR. MANGAN: If we could show the Agent page two?
21 (Government's Exhibit 6e page two shown on the screen for
22 the Court and Witness.)

23 **BY MR. MANGAN:**

24 **Q** What is that?

25 **A** A translation of the documentation in the previous

1 page.

2 **Q** All right.

3 MR. MANGAN: Your Honor, we'd move to admit
4 Exhibit 6e?

5 MR. MIEDEL: No objection.

6 THE COURT: It's admitted.

7 (Government's Exhibit 6e admitted.)

8 MR. MANGAN: Could we publish to the Jury, please?

9 THE COURT: Yes.

10 MR. MANGAN: If we can take a look at page one.

11 (Government's Exhibit 6e was shown on the screen for Jury.)

12 **BY MR. MANGAN:**

13 **Q** All right. Agent Vokas, is this one of the images
14 that was recovered from the Huawei Mate S?

15 **A** Yes.

16 **Q** And is this this same phone that had the password
17 xuyanjun1980?

18 **A** It is.

19 MR. MANGAN: And if we can turn to page two?

20 (Government's Exhibit 6e page two was shown on the screen
21 for Jury.)

22 **BY MR. MANGAN:**

23 **Q** I won't ask you to read all of this, but is this a
24 translation of the handwritten notes?

25 **A** Yes.

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1 **Q** All right. And does this -- can you read the top
2 part, where it refers to fan blades; do you see that?

3 THE COURT: I'm not seeing the translation on the
4 screen.

5 MR. MANGAN: Oh, I'm sorry.

6 **BY MR. MANGAN:**

7 **Q** Do you see page two?

8 **A** I do.

9 MR. MANGAN: Does the Court not see page two?

10 THE COURT: Okay. Yes. Thank you.

11 MR. MANGAN: Okay. Thank you.

12 **BY MR. MANGAN:**

13 **Q** And just at the top, Agent Vokas, do you see where it
14 says Fan Blade?

15 **A** I do.

16 **Q** All right. And then down from there, there's just
17 additional notes in the translation?

18 **A** Correct.

19 **Q** All right.

20 MR. MANGAN: Thank you. We can take that exhibit
21 down. I'll have you take a look at -- we take a look at
22 Exhibit 6f, please?

23 (Government's Exhibit 6f marked.)

24 (Government's Exhibit 6f shown on the screen for the Court
25 and Witness.)

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1 BY MR. MANGAN:

2 Q Do you recognize Exhibit 6f?

3 A I do.

4 Q And was this -- I'm sorry. Is this another image
5 that was found on the Huawei Mate phone?

6 A Yes.

7 Q All right.

8 MR. MANGAN: And, Your Honor, we'd move to admit
9 Exhibit 6f?

10 THE COURT: Any objection?

11 MR. MIEDEL: No objection.

12 THE COURT: It's admitted.

13 (Government's Exhibit 6f admitted.)

14 THE COURT: You tell me when you want to recess for
15 your 15-minute morning break.

16 MR. MANGAN: If we could finish this phone in
17 probably a couple minutes, and then move on.

18 THE COURT: Very well.

19 MR. MANGAN: Thank you. Could we publish 6f,
20 please?

21 THE COURT: Yes.

22 (Government's Exhibit 6f was shown on the screen for Jury.)

23 BY MR. MANGAN:

24 Q Can you explain what this is, Agent Vokas?

25 A Yes. It's an image of a paper with notes on it.

1 Q All right.

2 MR. MANGAN: If we could turn to the translation on
3 page two?

4 (Government's Exhibit 6f page two was shown on the screen
5 for Jury.)

6 **BY MR. MANGAN:**

7 Q Can you explain what that is?

8 A The translation for the image that was previously
9 shown.

10 Q All right. And it has various numbered bullet points.
11 Can you read what's number one?

12 A Family situation.

13 Q All right. And what's item number two?

14 A Work situation.

15 Q What's number three?

16 A Information. What else do we know?

17 Q All right. Then the next section, what's number four?

18 A Personal needs.

19 Q All right. And then if we can read the sub bullets
20 under personal needs, what's number one?

21 A Exact time and location.

22 Q What's two?

23 A Exact budget.

24 Q What's three?

25 A Exact contents.

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1 Q All right. And then there's additional information
2 kind of going down from there; is that correct?

3 A That is correct.

4 Q All right. Okay. And then, lastly --

5 MR. MANGAN: If we can take that exhibit down?

6 **BY MR. MANGAN:**

7 Q I want to ask you about one other item related to
8 these UFED reports. Do you know something called a
9 Timeline?

10 A I do.

11 Q What is that?

12 A A Timeline is the section of a UFED Report that
13 contains the items identified or processed in order --
14 chronological order based on the timestamp associated with
15 that item.

16 Q All right. So for a particular phone, it might be
17 able to show you when you took a picture, and then when you
18 send a text message, but it would do everything in
19 chronological order?

20 A That is correct.

21 Q All right. And from those timelines, can you select a
22 certain date range so that you just pull up that section of
23 time?

24 A Correct, just as you can with the image section.

25 (Government's Exhibit 6g marked.)

1 **BY MR. MANGAN:**

2 **Q** Can you take a look at item -- Exhibit 6g?

3 MR. MANGAN: If we could show that to the witness?

4 THE COURT: Yes.

5 (Government's Exhibit 6g shown on the screen for the Court
6 and Witness.)

7 **BY MR. MANGAN:**

8 **Q** Do you recognize what that is?

9 **A** I do. This is a Timeline Report containing 180 items
10 for the Huawei Mate S device.

11 MR. MANGAN: We move to admit Exhibit 6g?

12 THE COURT: Any objection?

13 MR. MIEDEL: No objection.

14 THE COURT: It's admitted.

15 (Government's Exhibit 6g admitted.)

16 MR. MANGAN: May we publish?

17 THE COURT: Yes.

18 (Government's Exhibit 6g was shown on the screen for Jury.)

19 **BY MR. MANGAN:**

20 **Q** In looking at this Timeline, Agent Vokas, generally
21 what is the Timeline -- what are the dates covered in this
22 particular Timeline Report?

23 **A** March 30, 2018.

24 **Q** And then through to --

25 MR. MANGAN: If we could go to the last page?

1 (Government's Exhibit 6g page nine was shown on the screen
2 for Jury.)

3 **BY MR. MANGAN:**

4 **Q** Where does the Timeline end?

5 **A** April 1st, 2018.

6 **Q** All right. Thank you. And then, for example, if
7 we're looking at this last page, it does show you various
8 instant messages and SMS messages; correct?

9 **A** That's correct.

10 **Q** And is an SMS message a text?

11 **A** Yes.

12 **Q** Okay. And over on the right hand side, it shows the
13 content of the message; correct?

14 **A** That is correct.

15 **Q** All right. And in this case, are those in Chinese
16 characters?

17 **A** That is correct.

18 **Q** All right. Then I'd ask you to look lastly at
19 Exhibit --

20 MR. MANGAN: Actually that might be a good place to
21 stop, Your Honor, if we could stop there?

22 THE COURT: Very well. Members of the Jury and
23 all, we're going to take a 15-minute break as we expected.
24 During the break, do not discuss the case with anyone,
25 including among yourselves. No independent research.

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1 Continue to keep an open mind.

2 Out of respect for you, we'll rise as you leave,
3 and call for you at 11:10. Let's rise for the Jury.

4 COURTROOM DEPUTY: All rise for the Jury.

5 THE COURT: You can lead them out, sir.

6 (Jury exited the Courtroom.)

7 THE COURT: Jury's left the room. The door has
8 closed. We're going to start our break. Special Agent,
9 please do not discuss what you just testified to during the
10 break.

11 THE WITNESS: Yes, sir.

12 THE COURT: We're in recess. 15 minutes.

13 COURTROOM DEPUTY: This Court is now in recess.

14 (Court was in recess at 10:52 a.m. and resumed at 11:10
15 a.m.)

16 COURTROOM DEPUTY: All rise. This Court is now in
17 session pursuant to the recess.

18 THE COURT: Please be seated. We're back in
19 timely. Jury's not here.

20 Government's team is here in full. Defense team is
21 here in full, and the Defendant and the interpreter. Are we
22 ready to proceed, Mr. Mangan?

23 MR. MANGAN: We are, Your Honor.

24 THE COURT: Defense ready to see, Mr. Florian?

25 MR. MIEDEL: Yes, Your Honor. Thank you.

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1 THE COURT: Very well. Let's call for the Jury.
2 For planning purposes, we're going to break for lunch by
3 12:30.

4 COURTROOM DEPUTY: All rise for the Jury.
5 (Jury entered the Courtroom.)

6 THE COURT: All 15 members of the Jury have
7 rejoined us. You may all be seated. And we're going to
8 continue with testimony of this witness.

9 Sir, you understand you're still under oath?

10 THE WITNESS: I do.

11 THE COURT: Very well. You may proceed, Mr.
12 Mangan.

13 MR. MANGAN: Thank you, Your Honor.

14 **BY MR. MANGAN:**

15 **Q** Agent Vokas, we ended when we were talking about the
16 Timeline document related to the Huawei Mate S phone; do you
17 recall that?

18 **A** I do.

19 **Q** All right.

20 MR. MANGAN: If you can take a look at Exhibit 6h?
21 (Government's Exhibit 6h marked.)

22 MR. MANGAN: And if we could show that to the
23 witness?

24 THE COURT: Yes.

25 (Government's Exhibit 6h shown on the screen for the Court

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1 and Witness.)

2 **BY MR. MANGAN:**

3 **Q** Do you recognize what this is, Agent Vokas?

4 **A** I do.

5 **Q** And can you describe what it is?

6 **A** A translation of the previously identified Timeline
7 Report, with the translations highlighted in yellow.

8 **Q** All right. So this is essentially the same Timeline
9 we just saw in 6g, but with the translations transposed?

10 **A** That is correct.

11 **Q** All right.

12 MR. MANGAN: Your Honor, we'd move to admit
13 Exhibit 6h?

14 THE COURT: Any objection?

15 MR. MIEDEL: No objection.

16 THE COURT: It's admitted.

17 (Government's Exhibit 6h admitted.)

18 **BY MR. MANGAN:**

19 **Q** All right.

20 MR. MANGAN: And if we could just publish the first
21 page? We won't spend much time on this.

22 THE COURT: Yes.

23 (Government's Exhibit 6h was shown on the screen for Jury.)

24 **BY MR. MANGAN:**

25 **Q** Agent Vokas --

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1 MR. MANGAN: If we could actually go to the second
2 page, please?

3 (Government's Exhibit 6h page two was shown on the screen
4 for Jury.)

5 **BY MR. MANGAN:**

6 **Q** So, for example, Agent Vokas, just to make sure the
7 Jury understands what you just explained. Can you point to
8 where the translation part is?

9 **A** Yes. So for Instant Message -- Item Number 10 there's
10 an Instant Message Incoming on March 30, 2018. There is a
11 translation highlighted in yellow beneath the Chinese that
12 states:

13 "Safety is the number one concern when you travel.

14 Don't push yourself too hard."

15 **Q** All right. So other than the highlighted part, the
16 rest of it is what the original Timeline Report would look
17 like; correct?

18 **A** That is correct.

19 **Q** And then what's been added in highlighting is the
20 translation?

21 **A** That is correct.

22 **Q** All right. Thank you.

23 MR. MANGAN: We can take the exhibit down, please?

24 **BY MR. MANGAN:**

25 **Q** I'd like to turn to the next phone. So we just talked

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1 about the Huawei Mate S. Let's -- do you recall a phone
2 being recovered that was an iPhone 5s?

3 **A** I do.

4 **Q** And who manufactures the iPhone?

5 **A** Apple.

6 **Q** Can you take a look at Exhibit 7a?

7 MR. MANGAN: If we can show that to the witness?

8 THE COURT: Yes.

9 (Government's Exhibit 7a marked.)

10 (Government's Exhibit 7a shown on the screen for the Court
11 and Witness.)

12 **BY MR. MANGAN:**

13 **Q** Do you recognize what this is?

14 **A** I do. It is the front page of an Extraction PDF
15 report.

16 **Q** All right. And like the last phone, is this just the
17 first few pages?

18 **A** That is correct.

19 **Q** And does it identify the device?

20 **A** It does.

21 MR. MANGAN: All right. Your Honor, we'd move to
22 admit 7a?

23 MR. MIEDEL: No objection.

24 THE COURT: It's admitted.

25 (Government's Exhibit 7a admitted.)

1 MR. MANGAN: May we publish?

2 THE COURT: Yes.

3 (Government's Exhibit 7a was shown on the screen for Jury.)

4 **BY MR. MANGAN:**

5 **Q** Okay.

6 MR. MANGAN: If we can zoom in on the device
7 information on page one? To the middle. Thank you.

8 (Government's Exhibit 7a was shown on the screen for Jury.)

9 **BY MR. MANGAN:**

10 **Q** What type of device was this?

11 **A** This is an iPhone.

12 **Q** All right. And you'll notice toward the top where
13 it has on the left something called an IMEI? Do you see
14 that?

15 **A** I do.

16 **Q** Can you explain to the Jury what an IMEI is for a cell
17 phone?

18 **A** The IMEI is a unique identifier similar to a serial
19 number for that particular electronic device.

20 **Q** Okay. And for this particular device, this ends in
21 the numbers 5163; do you see that?

22 **A** Yes.

23 **Q** Okay. All right. Moving a little bit further down on
24 the description, it has something called an Apple ID; do you
25 see that?

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1 **A** I do.

2 **Q** Can you explain what an Apple ID is?

3 **A** The Apple ID is the E-Mail account associated with the
4 Apple accounts that this device is currently linked to.

5 **Q** Okay. And for the, for this device, which is the 5s
6 phone, what is the Apple ID for it?

7 **A** The iPhone 5s is linked to Apple account
8 jastquhui@gmail.com.

9 **Q** Okay.

10 MR. MANGAN: And then if we could turn to page two
11 of the Exhibit 7a?

12 (Government's Exhibit 7a page two was shown on the screen
13 for Jury.)

14 **BY MR. MANGAN:**

15 **Q** Does this also list the contents of the UFED Report
16 for that phone?

17 **A** It does.

18 **Q** Similar to what we described before?

19 **A** Correct.

20 **Q** Okay. All right. Thank you.

21 MR. MANGAN: Let's take that down, and I'm going to
22 have you take a look at Exhibit 7b, if we could show that to
23 the witness?

24 THE COURT: Yes.

25 (Government's Exhibit 7b marked.)

1 (Government's Exhibit 7b shown on the screen for the Court
2 and Witness.)

3 **BY MR. MANGAN:**

4 **Q** Do you recognize what this is?

5 **A** I do. It's a Timeline Report for the iPhone 5s.

6 **Q** All right. And how many items does it have on it?

7 **A** 65 items.

8 MR. MANGAN: Your Honor, we'd move to admit Exhibit
9 7b?

10 MR. MIEDEL: No objection.

11 THE COURT: It's admitted.

12 (Government's Exhibit 7b admitted.)

13 (Government's Exhibit 7b was shown on the screen for Jury.)

14 **BY MR. MANGAN:**

15 **Q** And then can you describe what is the time frame for
16 the items in this particular --

17 **A** The time, the time frame for this Timeline Report is
18 March 26, 2018 to April 1st, 2018.

19 **Q** All right. So these are the selected items for that
20 time frame?

21 **A** That is correct.

22 **Q** All right.

23 MR. MANGAN: And then if we can take that down.

24 I'd like to show you Exhibit 7c.

25 (Government's Exhibit 7c marked.)

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1 MR. MANGAN: If we could show that to the witness?

2 THE COURT: Yes.

3 (Government's Exhibit 7c shown on the screen for the Court
4 and Witness.)

5 **BY MR. MANGAN:**

6 **Q** Do you recognize that, Agent Vokas?

7 **A** I do. Similar to the last report, this is a Timeline
8 Report containing the 65 items. On the previous exhibit,
9 this report, however, has the translations provided beneath
10 the text highlighted in yellow.

11 MR. MANGAN: Your Honor, we'd move to admit
12 Exhibit 7c?

13 THE COURT: Any objection?

14 MR. MIEDEL: No objection.

15 THE COURT: Admitted.

16 (Government's Exhibit 7c admitted.)

17 MR. MANGAN: If we could publish?

18 THE COURT: Yes.

19 (Government's Exhibit 7c was shown on the screen for Jury.)

20 **BY MR. MANGAN:**

21 **Q** So, Agent Vokas, is this the Timeline for the 5s that
22 we just described with the translations?

23 **A** It is.

24 **Q** And, again, are the translations highlighted in yellow
25 to the right?

1 **A** They are.

2 **Q** Okay.

3 MR. MANGAN: If we could turn to page three of
4 Exhibit 7c? Actually I'm sorry. It starts at the bottom of
5 page two.

6 (Government's Exhibit 7c page two was shown on the screen
7 for Jury.)

8 **BY MR. MANGAN:**

9 **Q** If we look at the Instant Message number eight at the
10 bottom, do you see an Instant Message there for March 30,
11 2018?

12 **A** I do.

13 **Q** And does it say who it's from? Or do you see it says
14 From and To?

15 **A** Yes, I do.

16 **Q** So underneath where it says From, and it has a WXID,
17 are you familiar with something called WeChat?

18 **A** I am.

19 **Q** What is WeChat?

20 **A** WeChat is messaging application for a smartphone.

21 **Q** Okay. And do you know where that's based in terms of
22 what country?

23 **A** Yes, WeChat is own by Tencent, which is a Chinese
24 company.

25 **Q** Okay. And does WeChat have particular identifiers for

1 your account?

2 **A** It does.

3 **Q** All right. Do you recognize when it says From here,
4 does this look like a WeChat handle?

5 **A** That is. That is a unique WeChat identifying number.

6 **Q** Okay. So that's where it says WXID, and then it has a
7 long number?

8 **A** That is correct.

9 **Q** All right. And this one ends in 55311?

10 **A** It does.

11 **Q** Okay.

12 MR. MANGAN: And if we could continue on to page
13 three at the top? Thank you.

14 (Government's Exhibit 7c page three was shown on the screen
15 for Jury.)

16 **BY MR. MANGAN:**

17 **Q** And then on there it indicates the Participants for
18 the chat; do you see that?

19 **A** I do.

20 **Q** So it's got the WeChat, and then it has a second
21 person who's a participant that starts with L-I-N and then
22 there's a number; do you see that?

23 **A** I do.

24 **Q** Okay. And then if you can just read the message that
25 was sent there on March 30, 2018?

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1 **A** "I put an USB drive in the eyeglass box in the middle
2 of the bookcase, and it contains some encrypted
3 documents. If something happens, someone will come to
4 you and tell you the password."

5 **Q** All right. Thank you.

6 MR. MANGAN: We can take this down.

7 **BY MR. MANGAN:**

8 **Q** I just want to finish a couple other things with this
9 5s phone. If you can look at Exhibit 7d?

10 MR. MANGAN: If we could show that to the witness?

11 (Government's Exhibit 7d marked.)

12 (Government's Exhibit 7d shown on the screen for the Court
13 and Witness.)

14 **BY MR. MANGAN:**

15 **Q** Do you recognize it, sir?

16 **A** Yes, I do.

17 **Q** And what is this?

18 **A** This is a Data Files Report for the iPhone 5s
19 containing 20 images.

20 **Q** All right.

21 MR. MANGAN: Your Honor, we'd move to admit
22 Exhibit 7d?

23 MR. MIEDEL: No objection.

24 THE COURT: Admitted.

25 (Government's Exhibit 7d admitted.)

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1 MR. MANGAN: May we publish?

2 THE COURT: Yes.

3 (Government's Exhibit 7d was shown on the screen for Jury.)

4 **BY MR. MANGAN:**

5 **Q** Now that the Jury can see it, Agent Vokas, could you
6 once, again, describe what this shows?

7 **A** Yes, this is the Data Files -- a Data Files Report
8 for the iPhone 5s containing 20 image files.

9 **Q** All right.

10 MR. MANGAN: And then as we look through these, if
11 we can go to page five of Exhibit 7d?

12 (Government's Exhibit 7d page five was shown on the screen
13 for Jury.)

14 MR. MANGAN: If we could zoom in on image right
15 there where it says number 17 to the left?

16 **BY MR. MANGAN:**

17 **Q** Do you see that?

18 **A** I do.

19 **Q** All right. And then for this particular picture, does
20 it indicate certain data about the photo over on the right
21 hand side?

22 **A** Correct, it does.

23 **Q** So can you explain generally what type of information
24 is available for that photo?

25 **A** Yes. So the Metadata Section -- which metadata is

1 simply additional information about a particular file --
2 includes the camera make and model identified as an Apple
3 iPhone 5s, the time that the image was captured, the
4 resolution as well as the latitude and longitude of the
5 location that the photo was taken.

6 **Q** All right. Thank you.

7 MR. MANGAN: We can take down Exhibit 7d. I
8 believe 7e is already in evidence. I'll have you turn to
9 Exhibit 7f.

10 (Government's Exhibit 7f marked.)

11 MR. MANGAN: Can you -- if we could show that to
12 the witness, please?

13 THE COURT: We'll show 7f to the witness.

14 (Government's Exhibit 7f shown on the screen for the Court
15 and Witness.)

16 **BY MR. MANGAN:**

17 **Q** Do you recognize that, sir?

18 **A** I do.

19 **Q** And what is it?

20 **A** It's an iPhone 5s.

21 **Q** All right. And are these photos of the 5s that is in
22 the be F.B.I. evidence?

23 **A** It is.

24 **Q** All right.

25 MR. MANGAN: Your Honor, we'd move to admit to

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1 Exhibit 7f?

2 MR. MIEDEL: No objection.

3 THE COURT: Admitted.

4 (Government's Exhibit 7f admitted.)

5 MR. MANGAN: May we publish?

6 THE COURT: Yes.

7 (Government's Exhibit 7f was shown on the screen for Jury.)

8 **BY MR. MANGAN:**

9 **Q** Agent Vokas, once we get this on the screen --

10 MR. MANGAN: If we can turn to page two, and we can
11 zoom in on the bottom there, please?

12 (Government's Exhibit 7f page two was shown on the screen
13 for Jury.)

14 **BY MR. MANGAN:**

15 **Q** You mentioned earlier what an IMEI number was; do you
16 recall that?

17 **A** I do.

18 **Q** Okay. And is that number also physically on a phone?

19 **A** In some cases, yes.

20 **Q** Okay. And did you find it on this particular --

21 **A** I did.

22 **Q** -- 5s iPhone?

23 **A** I did.

24 **Q** Okay. If you take a look at page two on the bottom,
25 do you see the IMEI at the bottom there?

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1 **A** I do.

2 **Q** All right. And was that the number that ended with
3 the 5163?

4 **A** Yes.

5 **Q** All right. Thank you. And that matched what you saw
6 on the forensic report; correct?

7 **A** That is correct.

8 **Q** Okay. Thank you.

9 MR. MANGAN: All right. We can set that exhibit
10 aside.

11 **BY MR. MANGAN:**

12 **Q** I'd like to turn to another phone. So we've covered
13 the Huawei Mate, and then we just covered the 5s; correct?

14 **A** That is correct.

15 **Q** Was there another phone called an Honor 7?

16 **A** That is correct.

17 **Q** All right.

18 MR. MANGAN: Can you take a look at Exhibit 8a,
19 sir? Could we show that to the witness, please?

20 THE COURT: Yes.

21 (Government's Exhibit 8a marked.)

22 (Government's Exhibit 8a shown on the screen for the Court
23 and Witness.)

24 **BY MR. MANGAN:**

25 **Q** Do you recognize that, Agent Vokas?

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1 **A** I do. Similar to the last two Extraction Reports,
2 this is the first page of an extraction -- cell phone
3 Extraction Report for a Huawei Honor 7.

4 **Q** Okay. And looking at Exhibit 8a, does it identify who
5 the examiner was?

6 **A** It does.

7 **Q** And who was it?

8 **A** It was myself.

9 **Q** All right.

10 MR. MANGAN: Your Honor, we'd move to admit
11 Exhibit 8a?

12 MR. MIEDEL: No objection.

13 THE COURT: It's admitted.

14 (Government's Exhibit 8a admitted.)

15 MR. MANGAN: And if we can zoom in?

16 (Government's Exhibit 8a was shown on the screen for Jury.)

17 **BY MR. MANGAN:**

18 **Q** What was the manufacturer and type of phone that you
19 were analyzing here?

20 **A** The manufacturer is Huawei. The model or device name
21 is an Honor 7.

22 **Q** All right. So let's take a look at this Honor 7. Was
23 this one of the phones that you processed and analyzed?

24 **A** Yes.

25 **Q** All right.

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1 MR. MANGAN: If we can take that down, and show the
2 witness Exhibit 8b?

3 (Government's Exhibit 8b marked.)

4 (Government's Exhibit 8b shown on the screen for the Court
5 and Witness.)

6 **BY MR. MANGAN:**

7 **Q** Do you recognize what that exhibit is?

8 **A** I do.

9 **Q** And what is it?

10 **A** It's a Timeline Report for the Huawei Honor 7
11 containing 26 items.

12 MR. MANGAN: All right. Your Honor, we'd move to
13 admit Exhibit 8b?

14 MR. MIEDEL: No objection.

15 THE COURT: Admitted.

16 (Government's Exhibit 8b admitted.)

17 (Government's Exhibit 8b was shown on the screen for Jury.)

18 **BY MR. MANGAN:**

19 **Q** And, again, what is the time frame for this particular
20 Timeline Report?

21 **A** The time frame is October 26, 2018 to April 1st,
22 2018.

23 **Q** All right. If we could take a look at -- you said
24 October 26 --

25 **A** I apologize. That's March 26, 2018 to April 1st,

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1 2018.

2 Q All right. Thank you.

3 MR. MANGAN: And then we can turn to Exhibit 8c?

4 (Government's Exhibit 8c marked.)

5 **BY MR. MANGAN:**

6 Q Can you take a look at 8c, sir?

7 THE COURT: Show it to the witness.

8 (Government's Exhibit 8c shown on the screen for the Court
9 and Witness.)

10 **BY MR. MANGAN:**

11 Q Do you recognize what that is?

12 A Yes. This is the Timeline Extraction Report in the
13 previously exhibit. This one has translations beneath text
14 highlighted in yellow.

15 MR. MANGAN: Your Honor, we'd move to admit
16 Exhibit 8c?

17 MR. MIEDEL: No objection.

18 THE COURT: Admitted.

19 (Government's Exhibit 8c admitted.)

20 MR. MANGAN: May we publish?

21 THE COURT: Yes.

22 (Government's Exhibit 8c was shown on the screen for Jury.)

23 **BY MR. MANGAN:**

24 Q So just once, again, now that the Jury can see, can
25 you describe what this is?

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1 **A** Yes. This is a Timeline Extraction Report for the
2 Huawei Honor 7 containing 26 items. On the right hand
3 side there are translations to the text highlighted in
4 yellow.

5 **Q** All right. And this, again, pertains to the, the
6 Honor 7 phone?

7 **A** Correct.

8 **Q** All right. Let's take a look at the images.

9 MR. MANGAN: If we can take that down? Could you
10 turn to Exhibit 8d, please?

11 (Government's Exhibit 8d marked.)

12 MR. MANGAN: May I show that to the witness?

13 THE COURT: Yes.

14 (Government's Exhibit 8d shown on the screen for the Court
15 and Witness.)

16 **BY MR. MANGAN:**

17 **Q** Do you recognize what this is, Agent Vokas?

18 **A** Yes.

19 **Q** And what is it?

20 **A** This is a Extraction Report for a Huawei -- it says
21 Mate S at the top.

22 **Q** All right.

23 **A** Containing 16 data files. All images.

24 **Q** Okay. I apologize there.

25 MR. MANGAN: One moment. All right. Let me come

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1 back to that. If we can take that one down?

2 **BY MR. MANGAN:**

3 **Q** Agent Vokas, in analyzing the Huawei Mate S -- first
4 of all, were you aware that the investigation pertained to
5 an employee of GE Aviation?

6 **A** I was.

7 **Q** All right. And in the examination of the Honor 7
8 phone, were photographs found of that employee?

9 **A** Yes.

10 **Q** Can you describe generally what was found?

11 **A** The photos identified on the Huawei Honor 7 were of
12 the GE employee on what appeared to be family vacations and
13 trips to include family members, as well as that GE
14 employee.

15 **Q** Okay.

16 MR. MANGAN: And then if we could take a look at
17 Exhibit 8f, and can I show that to the witness?

18 (Government's Exhibit 8f marked.)

19 (Government's Exhibit 8f shown on the screen for the Court
20 and Witness.)

21 **BY MR. MANGAN:**

22 **Q** Do you recognize what that is?

23 **A** Yes. This is a Data Files Extraction Report for the
24 Huawei Honor 7. It contains 19 image files.

25 **Q** All right. Now -- and do these relate to the GE

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1 employee?

2 **A** Yes.

3 **Q** All right.

4 MR. MANGAN: Your Honor, we'd move to admit
5 Exhibit 8f?

6 THE COURT: Any objection?

7 MR. MIEDEL: Your Honor, may I just briefly voir
8 dire?

9 THE COURT: I'll have to see you at sidebar.
10 (Sidebar conference held.)

11 MR. MIEDEL: I just -- this, this agent said he did
12 not interview any witnesses and did not participate in the
13 investigation of -- on the extractions.

14 I just don't know what his basis of knowledge of
15 why -- how this picture is depicted of the General Electric
16 employee?

17 THE COURT: You can examine that on cross.

18 MR. MIEDEL: Well, if he doesn't know -- well,
19 okay. You're right.

20 THE COURT: I don't know where the GE employee
21 popped into the world. It's the first time I've heard it.
22 You referenced it.

23 MR. MANGAN: Well, it does -- it comes up, Your
24 Honor, because in the phone -- this phone that was found in
25 Belgium, it had a number of photos of the GE employee that

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1 they brought with them to the meeting.

2 And we'll hear -- we'll tie it in later, Your
3 Honor, that the employee doesn't know how these -- how they
4 got these photos. We suspect it was through his WeChat
5 account, but --

6 THE COURT: You introduced essentially the
7 affirmation that this is the GE employee's phone, and I
8 haven't heard that until you said it.

9 MR. MANGAN: It's not the GE employees's phone --
10 I'm sorry. These are the photos of the GE employee on the
11 phones that the Defendant and his associate had in Belgium.

12 THE COURT: Well, I think you need to clarify that
13 he doesn't know the GE -- he didn't know who the GE
14 employee is.

15 MR. MANGAN: Okay. We can --

16 THE COURT: Is that correct?

17 MR. MANGAN: He didn't interview him --

18 THE COURT: Well --

19 MR. MANGAN: -- but he knows sort of through the
20 investigation.

21 MR. MIEDEL: Did he know what it looks like?

22 MR. MANGAN: I think we'll have to see. I think he
23 does, but --

24 THE COURT: You can certainly address on cross. It
25 popped into my mind that you just suddenly tied those photos

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1 to the GE employee. Nobody else has done that.

2 MR. MANGAN: Okay.

3 THE COURT: I think you need to clarify it as best
4 you can.

5 MR. MANGAN: Okay. What I can do, Your Honor, is
6 have him simply identify that he pulled these from the
7 phone, and then I can do the rest with the Case Agent.

8 THE COURT: Right, which is not what you did.

9 MR. MANGAN: I'm just -- I do -- while we're
10 here?

11 THE COURT: Yes.

12 MR. MANGAN: With respect to this exhibit and then
13 the other exhibit, one right after, which are the actual --
14 it's a sample of the photos --

15 THE COURT: Yeah.

16 MR. MANGAN: -- blown up, we are going to ask that
17 those be kept from public disclosure.

18 THE COURT: Why didn't you tell me that beforehand?

19 MR. MANGAN: We can save this until we deal with it
20 with the Case Agent.

21 THE COURT: All right. Then that's --

22 MR. MANGAN: These are the only items that we have
23 that are that sensitive.

24 THE COURT: I've been asking you and asking you
25 about who's confidential and trying to protect them, but --

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1 bring this stuff to my attention when you know it.

2 MR. MANGAN: All right.

3 THE COURT: You obviously knew it before you just
4 dropped it here at sidebar. So you're doing fine. I'm
5 trying to do the right thing, and I'm going to deny your
6 effort to voir dire; and I think it's real clear on the
7 record what the Government needs to do.

8 MR. MANGAN: Okay.

9 MR. MIEDEL: Thank you, Your Honor.

10 MS. FRANKIAN: So are you putting -- are you just
11 going to move on from this exhibit, because if you want --
12 the Jurors can't see it unless the gallery sees it?

13 MR. MANGAN: I think for now I'm only going to have
14 him identify the exhibits so that he can explain he
15 extracted them from the phones. I won't move to admit them
16 until we do it with the Case Agent.

17 MS. FRANKIAN: Okay.

18 THE COURT: Thank you.

19 MR. MANGAN: Thank you.

20 (Sidebar conference concluded.)

21 THE COURT: Well, I had a chance to chat with my
22 lawyer friends. Thank you for your patience. You may
23 proceed, Mr. Mangan.

24 MR. MANGAN: All right.

25 **BY MR. MANGAN:**

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1 Q Thank you, Agent Vokas. I think you were looking at
2 Exhibit 8f. These are image files; is that correct?

3 A That is correct.

4 Q And which phone were they pulled from?

5 A These image files were pulled from the Huawei Honor 7.

6 Q All right. And were you involved in that extraction?

7 A I was.

8 Q Okay. Thank you. I'm going to have you take a look
9 at Exhibit 8g?

10 (Government's Exhibit 8g marked.)

11 MR. MANGAN: If I could show those to the witness,
12 Your Honor?

13 THE COURT: Yes, 8g.

14 (Government's Exhibit 8g shown on the screen for the Court
15 and Witness.)

16 **BY MR. MANGAN:**

17 Q Do you recognize what is in 8g?

18 A I do.

19 Q And what are they?

20 A These are image files from the Honor -- the Huawei
21 Honor 7 that were previously identified in the, in the
22 previous exhibit that appear to be family vacation photos.

23 Q So these are essentially blow ups of the files that we
24 just talked about in Exhibit 8f?

25 A That is correct.

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1 Q All right. And was this part of the photos that you
2 extracted from this phone?

3 A Yes.

4 Q All right. Thank you. All right. Let's move on from
5 that phone to the fourth item. Was there also an iPhone 6
6 that was recovered in Belgium?

7 A There was.

8 Q All right. And did you perform an analysis of that
9 phone in Cellebrite?

10 A I did.

11 (Government's Exhibit 9a marked.)

12 **BY MR. MANGAN:**

13 Q Can you take a look at Exhibit 9a?

14 MR. MANGAN: If we could show that to the witness,
15 please?

16 THE COURT: Yes.

17 (Government's Exhibit 9a shown on the screen for the Court
18 and Witness.)

19 **BY MR. MANGAN:**

20 Q Do you recognize what this is, Agent Vokas?

21 A I do.

22 Q And what is it?

23 A It's the first page of a PDF Extraction Report for the
24 iPhone 6.

25 Q And is this one of the items that you examined from

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1 Belgium?

2 **A** That is correct?

3 MR. MANGAN: Your Honor, we'd move to admit
4 Exhibit 9a?

5 MR. MIEDEL: No objection.

6 THE COURT: It's admitted.

7 (Government's Exhibit 9a admitted.)

8 MR. MANGAN: If we could publish to the Jury,
9 please?

10 THE COURT: Yes.

11 (Government's Exhibit 9a was shown on the screen for Jury.)

12 **BY MR. MANGAN:**

13 **Q** Now, let's take a look under the Device Information on
14 Exhibit 9a for this iPhone 6. Do you see that, Agent Vokas?

15 **A** I do.

16 **Q** And were you the examiner for this phone?

17 **A** I was.

18 **Q** All right. So zooming into the middle where we talk
19 about an IMEI number; right?

20 **A** Correct.

21 **Q** All right. And what did you notice in the digital
22 record for this particular phone?

23 **A** There is no IMEI present.

24 **Q** Okay.

25 MR. MANGAN: If we scoot down a little bit more?

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1 (Government's Exhibit 9a shown on the screen for the Court
2 and Witness.)

3 **BY MR. MANGAN:**

4 **Q** If we look under where it says -- well, first of all,
5 where it says Owner Name, do you see where it says iPhone?

6 **A** I do.

7 **Q** All right. And then just above that where it says
8 iCloud Account Present, what is the word to the right of
9 that?

10 **A** False.

11 **Q** What does that indicate to you?

12 **A** That there is no iCloud account associated with this
13 device.

14 **Q** All right. And then looking further down where it
15 says, Last Activation Time under Tethering; do you see
16 that?

17 **A** I do.

18 **Q** And what's the date to the right there?

19 **A** April 2, 2018.

20 **Q** So that's the last activation time?

21 **A** Correct.

22 **Q** All right. And is that a day after the April 1st
23 arrest?

24 **A** That is.

25 **Q** All right. In looking at this phone, did you find the

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1 contents to be much smaller than the others?

2 **A** I did.

3 **Q** All right. What did you find overall?

4 **A** Almost nothing.

5 **Q** Okay. And what did that indicate to you as a CART
6 Examiner?

7 **A** That the device was previously factory reset.

8 **Q** And what does a factory reset mean?

9 **A** It's a essentially wiping of all of the data that is
10 on the device, putting it in a state that prepares it for
11 connecting it to a new iCloud account.

12 **Q** Okay. This wiping that you're talking about, can that
13 be done remotely?

14 **A** It can.

15 **Q** All right. Now, there's no IMEI report found on the
16 electronic evidence within the phone; correct?

17 **A** That is correct.

18 **Q** Is there still a place where you can find the IMEI
19 number?

20 **A** Yes.

21 **Q** Is --

22 **A** On the physical device itself.

23 (Government's Exhibit 9b marked.)

24 **BY MR. MANGAN:**

25 **Q** All right. Can you take a look at Exhibit 9b, please?

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1 MR. MANGAN: If we can show that to the witness?

2 THE COURT: Yes. 9d?

3 MR. MANGAN: I'm sorry. 9b.

4 THE COURT: B as in boy?

5 MR. MANGAN: Correct.

6 (Government's Exhibit 9b shown on the screen for the Court
7 and Witness.)

8 **BY MR. MANGAN:**

9 **Q** Do you recognize what this is, Agent Vokas?

10 **A** I do. That is the iPhone 6.

11 **Q** Okay. And are these photos of that particular iPhone?

12 **A** They are.

13 **Q** And this is the one that we just talked about that you
14 were analyzing?

15 **A** That is correct.

16 MR. MANGAN: We move to admit Exhibit 9b?

17 MR. MIEDEL: No objection.

18 THE COURT: Admitted.

19 (Government's Exhibit 9b admitted.)

20 MR. MANGAN: We can publish?

21 THE COURT: Yes.

22 (Government's Exhibit 9b page four was shown on the screen
23 for Jury.)

24 MR. MANGAN: Now, if we could turn to page four?

25 **BY MR. MANGAN:**

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1 Q Is this a -- can you describe what this is?

2 A Yes. This is the engraving on the back of the iPhone
3 6 with identifiers for that device.

4 Q All right. And this does indicate an IMEI number;
5 right?

6 A That is correct.

7 Q All right. And what are the last four digits of that
8 IMEI number?

9 A 6968.

10 Q All right. Now, did the F.B.I. obtain a warrant from
11 Apple for information related to that IMEI number?

12 A Yes.

13 Q All right. And did Apple provide records in response?

14 A They did.

15 Q Did you review those records?

16 A I did.

17 MR. MANGAN: Your Honor, we'd ask that the witness
18 be able to look at Exhibit 9c?

19 THE COURT: Very well. 9c.

20 (Government's Exhibit 9c marked.)

21 (Government's Exhibit 9c shown on the screen for the Court
22 and Witness.)

23 **BY MR. MANGAN:**

24 Q Can you describe what this is, Agent Vokas?

25 A Yes. This is the return Apple provided with respect

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1 to the IMEI ending in 6968.

2 MR. MANGAN: Your Honor, we'd ask to move to admit
3 Exhibit 9c?

4 MR. MIEDEL: No objection.

5 THE COURT: Admitted.

6 (Government's Exhibit 9c admitted.)

7 MR. MANGAN: May we publish?

8 THE COURT: Yes.

9 (Government's Exhibit 9c was shown on the screen for Jury.)

10 **BY MR. MANGAN:**

11 **Q** All right. So in taking a look at this information,
12 Agent Vokas, as we look at the first page, there's -- are
13 there two devices indicated?

14 **A** There are.

15 **Q** All right. So is each line a device?

16 **A** Yes.

17 **Q** All right. So the top line is one device. The bottom
18 line's a second device?

19 **A** That is correct.

20 **Q** All right. And do you see that IMEI number we just
21 discussed?

22 **A** I do.

23 **Q** Where is that?

24 **A** That is located on the second line.

25 **Q** Okay.

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1 MR. MANGAN: Let's take a look at page two.

2 (Government's Exhibit 9c page two was shown on the screen
3 for Jury.)

4 **BY MR. MANGAN:**

5 Q Is this additional information that was provided by
6 Apple?

7 A It is.

8 Q Okay. And for that second item there, it's indicated
9 as an iPhone 6 Space Gray; correct?

10 A That is correct.

11 Q And if we move across, what is the E-Mail address
12 associated with the phone?

13 A xuhengl986_new@hotmail.com.

14 Q All right.

15 MR. MANGAN: And if we can move back to page six of
16 these records from Apple? If you can show that to the Jury
17 and zoom in?

18 (Government's Exhibit 9c page six was shown on the screen
19 for Jury.)

20 **BY MR. MANGAN:**

21 Q Agent Vokas, I'd like to go from the bottom up here?

22 A Okay.

23 Q That's good. Let's start at the bottom there, what is
24 the date on the left?

25 A April 2, 2018.

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1 Q And the time?

2 A 5:16:14 p.m.

3 Q Okay. And then indicate what is written to the right
4 hand side there?

5 A User 22 -- (Indicating) -- can I just -- should I say
6 it?

7 Q You can just say the number. Go on.

8 A User 223833998@qq.com initiated a wipe on device phone
9 at Monday, April 2, 15:16:14 Pacific Daylight Time 2018 from
10 180.11.47.134.

11 Q All right. And then if we move up to the next item
12 there, that is approximately how many minutes later? Based
13 on the records?

14 A Zero minutes later. Three seconds.

15 Q I'm sorry. Between the bottom one and the second one
16 up? Oh, it's three seconds you said?

17 A Correct.

18 Q I thought those were minutes. You're right. So
19 that's three seconds later?

20 A Yes.

21 Q And what does it state on the right?

22 A Device phone started the wipe at Monday, April 2,
23 15:16:16 Pacific Daylight Time 2018.

24 Q Okay. And then the last item that's at the top, does
25 that acknowledge that the wipe command was successfully

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1 executed?

2 **A** It does.

3 **Q** And is that consistent with what you reviewed
4 forensically on that phone?

5 **A** That is correct.

6 **Q** All right. And based on these records, when was the
7 device wiped?

8 **A** April 2, 2018.

9 **Q** One day after the arrest?

10 **A** That is correct.

11 **Q** And it would have been executed through this iCloud
12 account?

13 **A** That is correct.

14 **Q** All right. Thank you.

15 MR. MANGAN: We can take that down.

16 **BY MR. MANGAN:**

17 **Q** Now, we talked about those four phones, Agent Vokas.
18 Other than the four phones that were recovered from Belgium,
19 let's talk about other digital evidence that you received
20 from them; okay? Did you receive any other electronic
21 evidence from Belgium?

22 **A** Yes.

23 **Q** What types of things?

24 **A** Laptop, storage devices, and a smartwatch.

25 **Q** You mentioned storage devices, what types?

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1 **A** There were Micro SD cards.

2 **Q** What is a Micro SD card?

3 **A** It's essentially a very small computer chip that
4 allows you to store data files.

5 **Q** How many were found?

6 **A** Two Micro SD cards were found, and one normal sized SD
7 card were found as well.

8 **Q** Okay. Let's talk about the normal sized SD card
9 first. Were you able to determine how much storage was on
10 that SD card?

11 **A** Yes.

12 **Q** And how much?

13 **A** I believe it was 16 gigabytes.

14 **Q** All right. And is that sizable?

15 **A** Yes.

16 **Q** All right. And was there -- how much available
17 storage was left on that device?

18 **A** I should clarify, the 16 gigabyte SD card was found
19 inside a digital camera --

20 **Q** Oh, I see.

21 **A** -- and contained --

22 **Q** Let me ask you about the Micro SD items. There were
23 two of those, you said?

24 **A** There were two.

25 **Q** Okay. And did you determine the storage capacity for

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1 each of those?

2 **A** I did.

3 **Q** What were they?

4 **A** They were 256 gigabytes and 128 gigabytes.

5 **Q** Okay. So one was twice as large as the other?

6 **A** Correct.

7 **Q** All right. And were you able to determine how much of
8 that storage was already being used versus how much was
9 available?

10 **A** Yes.

11 **Q** Can you explain what you found?

12 **A** Yes. One of the Micro SD cards had no data on it.
13 The second SD card only had data associated with the
14 manufacturer of that Micro SD card.

15 **Q** Okay. And to give the Jury some context for a card
16 that has 256 gigabytes, you know, in lay terms, is there a
17 way to describe how much that could store?

18 **A** Sure. A modern cell phone, modern iPhone, such as the
19 iPhone 13, comes in a 256 gigabyte size. It's fairly
20 sizable.

21 **Q** Okay. Let's talk about, you mentioned hard drives or
22 a laptop, I believe?

23 **A** I did.

24 **Q** Did you find any storage associated with the laptop?

25 **A** I did.

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1 Q Can you explain what you found?

2 A Yes. The laptop contained two hard drives. One was a
3 solid state drive, and the other was a hard disc drive. The
4 hard disc drive was, in terms of size, one terabyte.

5 Q All right. Now, were you able to examine both of
6 those?

7 A No.

8 Q All right. And why is that?

9 A The smaller drive, the solid state drive, which I
10 believe was approximately 32 gigabytes, was encrypted; and
11 we were unable to perform an extraction of that device.

12 Q All right. How about for the other one, which was
13 the, the one that's not the solid state? Can you go back --

14 A The hard disc drive.

15 Q -- and describe that?

16 A The one terabyte sized hard drive an image was created
17 of that -- of that hard drive.

18 Q Okay. And you mentioned one terabyte, was most of
19 that storage still available on the device?

20 A Yes.

21 Q All right. Was it mostly empty?

22 A Predominantly empty.

23 Q All right. How large, how large is one terabyte of
24 data?

25 A Four times the size of the 256 gigabyte Micro SD card.

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1 It's fairly largeable -- or fairly large.

2 **Q** All right. So if someone wanted to download documents
3 or data, that might be able to hold a lot; is that fair to
4 say?

5 **A** Absolutely.

6 **Q** All right. All right. Now, let me ask you about
7 E-Mail accounts. Are you familiar with productions of
8 E-Mail accounts from Google?

9 **A** Yes.

10 **Q** Do you get involved in processing those for Case
11 Agents?

12 **A** As a forensic examiner, yes.

13 **Q** I should say in your former job, did you do that?

14 **A** Correct.

15 **Q** All right. And as a CART Examiner, did you process
16 E-Mail returns in this case?

17 **A** Yes.

18 **Q** All right. And generally what kind of tools do you
19 use for that?

20 **A** We use a forensic tool called FTK or Forensic Toolkit
21 to process returns.

22 **Q** And does it then make the E-Mail content available for
23 the Agents to review?

24 **A** That is correct.

25 **Q** All right.

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1 MR. MANGAN: I'm going to ask if we could go back
2 and take a look at exhibits -- if we could show --
3 actually just show him 7a page one. I believe this is
4 already admitted, Your Honor.

5 THE COURT: Very well.
6 (Government's Exhibit 7a page one was shown on the screen
7 for Jury.)

8 MR. MANGAN: And if we zoom in?

9 **BY MR. MANGAN:**

10 **Q** Do you see the Apple ID that we discussed there?

11 **A** I do.

12 **Q** The jastquhui@gmail?

13 **A** Yes.

14 **Q** And did the FBI obtain information from Google related
15 to that particular account?

16 **A** Yes.

17 **Q** All right.

18 (Government's Exhibit 16 marked.)

19 MR. MANGAN: If we could take a look at Exhibit 16,
20 and ask that we show that to the witness, please?

21 THE COURT: Show 16 to the witness.

22 (Government's Exhibit 16 shown on the screen for the Court
23 and Witness.)

24 **BY MR. MANGAN:**

25 **Q** Do you recognize this?

1 **A** I do.

2 **Q** And what is this?

3 **A** This is a documentation provided by Google containing
4 Google subscriber information for E-Mail account
5 jastquhui@gmail.com.

6 MR. MANGAN: Your Honor, we move to admit
7 Exhibit 16?

8 THE COURT: Any objection?

9 MR. MIEDEL: Your Honor, can I have one moment?

10 THE COURT: Yes.

11 (Mr. Miedel confers with co-counsel.)

12 MR. MIEDEL: No objection.

13 THE COURT: 16 is admitted.

14 (Government's Exhibit 16 admitted.)

15 MR. MANGAN: May we publish, Your Honor?

16 THE COURT: Yes.

17 (Government's Exhibit 16 was shown on the screen for Jury.)

18 **BY MR. MANGAN:**

19 **Q** Agent Vokas, as we take a look at this, you said this
20 was a subscriber information?

21 **A** That is correct.

22 **Q** Can you explain what that means to the Jury?

23 **A** Sure. It's essentially a collection of information
24 pertaining to the customer that owns that Google account,
25 and it includes information such as backup E-Mails, the

1 phone number associated with that account, the name
2 associated with that account, and login and logout
3 information.

4 **Q** Okay. So for this particular E-Mail account, what is
5 the name associated as the subscriber?

6 **A** Hui Qu.

7 **Q** All right. And then it has the E-Mail address right
8 below that; do you see that?

9 **A** I do.

10 **Q** A little further down it says Recovery E-Mail, what's
11 a recovery E-Mail?

12 **A** If the owner of the account is unable to access their
13 E-Mail account, they can send a recovery method to a
14 recovery E-Mail if they're able to log into a separate
15 E-Mail associated with the account.

16 **Q** All right. And can you read what the recovery E-Mail
17 is for this?

18 **A** Yes, it's 3025544@qq.com.

19 **Q** Do you know what QQ is?

20 **A** I do.

21 **Q** Can you explain what that is?

22 **A** QQ is a -- is related to Tencent and WeChat.

23 **Q** It's a Chinese company?

24 **A** It is.

25 **Q** And if we go further down, the next line is Created

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1 on. What's the date that this account was created?

2 **A** The account was created on May 13, 2013.

3 **Q** All right. And the time is 9:25:59 UTC?

4 **A** That's correct.

5 **Q** All right. And if we go further down, you see an SMS
6 thing?

7 **A** I do.

8 **Q** All right. And what does that indicate?

9 **A** That is the telephone number associated with the
10 account.

11 **Q** Okay. And I may come back to this, but what are the
12 last four numbers for the phone number associated with the
13 account?

14 **A** 2316.

15 **Q** All right. And we won't get into the content, but --
16 with you, but did the F.B.I. receive E-Mail content from
17 Google related to the account?

18 **A** Yes.

19 **Q** All right. And are you involved in processing that?

20 **A** Yes.

21 **Q** In the way that you just described?

22 **A** That is correct.

23 **Q** All right. And did you do that for this jastquhui
24 Gmail account?

25 **A** Yes.

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1 **Q** When Google provides this, in response to a search
2 warrant --

3 MR. MANGAN: I'm going to ask if you can take a
4 look at page eight, please, of this exhibit.

5 (Government's Exhibit 16 page eight was shown on the screen
6 for Jury.)

7 **BY MR. MANGAN:**

8 **Q** Do you recognize what this is?

9 **A** I do. This is additional documentation provided by
10 Google indicating what is contained in the search warrant
11 return.

12 **Q** All right. And we can look at the bottom there where
13 it says -- do you see something where it says Gmail Content
14 mbox?

15 **A** I do.

16 **Q** What is this?

17 **A** The mbox file is essentially a file that contains all
18 of the contents of the Gmail account with respect to the
19 E-Mails, be it incoming or outgoing.

20 **Q** Thank you.

21 MR. MANGAN: We can take that down.

22 **BY MR. MANGAN:**

23 **Q** We talked about this -- we talked about Apple ID. Do
24 you recall that?

25 **A** I do.

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1 **Q** Does Apple also provide Cloud services?

2 **A** They do.

3 **Q** Can you explain what a Cloud service is to the Jury?

4 **A** Yes. So a Cloud service essentially is a account that
5 you can create with a Cloud service provider that offers you
6 a storage -- an amount of storage in the Cloud or what is
7 essentially in a location other than within your own
8 residence at your own house.

9 It's storage that you can pay for that resides
10 elsewhere on a server owned by that company where you can
11 upload your data to for the sake of preserving that
12 information for yourself.

13 **Q** So if the F.B.I. obtains an iCloud account from Apple
14 from a search warrant, did you as a CART Examiner analyze
15 that?

16 **A** I did.

17 **Q** All right. So you're familiar with how Apple produces
18 that information?

19 **A** I am.

20 **Q** Can you explain what you get when you receive Cloud
21 information from Apple?

22 **A** Yes. So the contents of Apple's iCloud are very
23 similar to the folder structure of a modern day PC, where
24 you have an assortment of folders contained in that iCloud
25 that contain different types of files.

1 One folder might be labeled backups. That folder
2 contains backups of I -- Apple proprietary iDevices that you
3 have uploaded into the Cloud for safekeeping.

4 Other folders other than backup might be calendar,
5 chats, iCloud photo library, which is a library that if you
6 set on your phone to upload your photos automatically into
7 the iCloud, they will be stored in that iCloud photo
8 library; and then other folders might also include videos,
9 documentation -- documents that you saved to the iCloud.

10 **Q** All right. And you mentioned that one folder might
11 include backups. Would that include a phone backup?

12 **A** Yes.

13 **Q** If you find a phone backup in the Apple iCloud data,
14 do you analyze it the same way you analyze a regular cell
15 phone?

16 **A** Yes.

17 **Q** Do you use Cellebrite again?

18 **A** Yes.

19 **Q** All right. And does it generate a UFED Report in the
20 same way?

21 **A** It does.

22 **Q** All right. In this case, we talked about that
23 jastquhui Gmail account; do you recall that?

24 **A** I do.

25 **Q** Did the F.B.I. obtain Cloud information from Apple

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1 related to that Gmail account?

2 **A** They did.

3 **Q** And were you involved in analyzing that?

4 **A** I was.

5 **Q** And did that have backup data on it?

6 **A** It did.

7 **Q** Okay. And did it include the backup of a phone?

8 **A** It did.

9 **Q** What kind of phone?

10 **A** An iPhone 5s.

11 **Q** All right.

12 MR. MANGAN: Your Honor, I'd ask to have the Agent
13 take a look at Exhibit 20?

14 THE COURT: Yes. Show him Exhibit 20.

15 (Government's Exhibit 20 marked.)

16 (Government's Exhibit 20 shown on the screen for the Court
17 and Witness.)

18 **BY MR. MANGAN:**

19 **Q** Do you recognize what this is, Agent Vokas?

20 **A** I do.

21 **Q** And what is it?

22 **A** It is the documentation provided by Apple that
23 includes information relating to the iCloud account.

24 **Q** All right. And is this the jastquhui account we were
25 just discussing?

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1 **A** This is.

2 MR. MANGAN: Your Honor, we'd move to admit
3 Exhibit 20?

4 MR. MIEDEL: No objection.

5 THE COURT: It's admitted.

6 (Government's Exhibit 20 admitted.)

7 MR. MANGAN: May we publish?

8 THE COURT: Yes.

9 (Government's Exhibit 20 was shown on the screen for Jury.)

10 **BY MR. MANGAN:**

11 **Q** So, Agent Vokas, in addition to actually producing the
12 Cloud content, does Apple provide other subscriber data to
13 the F.B.I.?

14 **A** They do.

15 **Q** In what format do they give that to you?

16 **A** The subscriber information might be in an Excel
17 spreadsheet or a PDF.

18 **Q** All right. And so is this -- these subscriber
19 information that you received related to that account?

20 **A** Yes.

21 **Q** Okay. There are three lines indicated here underneath
22 serial number. What does that indicate to you?

23 **A** There are three iDevices associated with the accounts.

24 **Q** Okay. And in looking at the bottom line for that
25 iDevice, do you see where it has IMEI numbers?

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1 **A** I do.

2 **Q** All right. And there's an IMEI number that ends in
3 5163. Do you see that?

4 **A** Yes, I do.

5 **Q** All right. And do you recognize what that is
6 connected to?

7 **A** Yes. That is connected to the iPhone 5s that was
8 retrieved in Belgium.

9 **Q** All right. So the item we were -- the 5s we were
10 discussing before that had that IMEI, has the same number?

11 **A** That is correct.

12 **Q** Okay.

13 MR. MANGAN: If we can take a look at page two,
14 please?

15 (Government's Exhibit 20 page two was shown on the screen
16 for Jury.)

17 **BY MR. MANGAN:**

18 **Q** And does this have a description of the device on the
19 third line?

20 **A** It does.

21 **Q** And does that match the same device that you were just
22 describing?

23 **A** It does.

24 **Q** All right. Thank you.

25 MR. MANGAN: Let's turn to page three of the

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1 subscriber information?

2 (Government's Exhibit 20 page three was shown on the screen
3 for Jury.)

4 **BY MR. MANGAN:**

5 **Q** Now, let's take a look for the first two devices --
6 well, first of all, it has an Apple Logon ID, what is that?

7 **A** That is the ID used to login to your Apple account.

8 **Q** Okay. And then there's a column next to it called
9 E-Mail Address?

10 **A** Correct.

11 **Q** All right. For the Apple logon ID for the first two
12 devices, what is the E-Mail account indicated?

13 **A** xuyanjun1980@sohu.com.

14 **Q** All right. And then for the third device, the 5s
15 phone, what is the Apple logon ID used?

16 **A** jastquhui@gmail.com.

17 **Q** Then if we look at the last column, the Phone Number,
18 do you see the phone number there?

19 **A** I do.

20 **Q** And is there one phone number associated with all
21 three devices?

22 **A** No. There is two separate phone numbers listed there.
23 One is associated with two devices. One's associated with a
24 third.

25 **Q** All right. So for the -- in the last column, do you

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1 see the phone number ending in 2136?

2 **A** I do.

3 **Q** Okay. And is that the same number in the column in
4 the rows above it?

5 **A** No.

6 **Q** All right. Are you looking at the -- oh, I see. I'm
7 sorry. I got it. So there's -- one of the numbers is
8 slightly different; correct?

9 **A** That's correct.

10 **Q** Got it. All right. Thank you. So for the first two
11 devices, the phone number says 2316 at the end?

12 **A** That is correct.

13 **Q** All right. I apologize. And then for the last number
14 it has 2136?

15 **A** That is correct.

16 **Q** All right.

17 MR. MANGAN: And then if we could turn to the next
18 page -- I'm sorry -- page five?

19 (Government's Exhibit 20 page five was shown on the screen
20 for Jury.)

21 **BY MR. MANGAN:**

22 **Q** Can you describe what these are? Is this -- well,
23 let me ask it this way --

24 **A** It's additional subscriber information -- or
25 information associated with the account.

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1 Q All right. And in the middle of those, the third
2 column in, does it have an E-Mail account with respect to
3 different IDs?

4 A It does.

5 Q All right. And at the top there, do you see an E-Mail
6 account --

7 A Yes.

8 Q -- that starts with jast?

9 A Yes.

10 Q What is that account?

11 A jastxyj@gmail.com.

12 Q And then further down does the E-Mail account change?

13 A It does.

14 Q And what E-Mail is that?

15 A xuyanjun1980@sohu.com.

16 MR. MANGAN: If we could turn to the next page?
17 (Government's Exhibit 20 page six was shown on the screen
18 for Jury.)

19 **BY MR. MANGAN:**

20 Q Further down does the E-Mail account change again?

21 A Yes.

22 Q And what E-Mail account is that?

23 A jastquhui@gmail.com.

24 Q And next to it, do you see a couple rows where there's
25 a name in English?

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1 **A** I do.

2 **Q** Next to jastquhui@gmail?

3 **A** Yes.

4 **Q** What is the name next to that E-Mail account?

5 **A** Xu Yanjun.

6 **Q** You mentioned in the iCloud account you mentioned
7 there was a 5s phone that was backed up?

8 **A** Correct.

9 **Q** And so you were able to actually see that backup in
10 the Cloud data?

11 **A** Correct.

12 **Q** Other than what we discussed here, did you see
13 connections between that Cloud data to the actual physical
14 phone 5s that was found in Belgium?

15 **A** Yes.

16 **Q** How so?

17 **A** The IMEI associated with that device matched the IMEI
18 engraved on the back of the iPhone 5s seized in Belgium.

19 **Q** All right. Anything else or was that the main
20 connection?

21 **A** That was the main connection.

22 **Q** All right. Now, we just saw that E-Mail account on
23 one page back that says jastxyj@gmail; do you remember
24 seeing that?

25 **A** Yes.

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1 Q All right.

2 (Government's Exhibit 13 marked.)

3 MR. MANGAN: I'm going to have you take a look at
4 Exhibit 13. If we can take that down and show the witness
5 Exhibit 13?

6 THE COURT: Yes.

7 (Government's Exhibit 13 shown on the screen for the Court
8 and Witness.)

9 **BY MR. MANGAN:**

10 Q Can you identify what this is?

11 A Yes, this is subscriber information for the Google
12 account associated with E-Mail jastxyj@gmail.com.

13 MR. MANGAN: All right. Your Honor, we'd move to
14 admit Exhibit 13?

15 MR. FLORIAN: No objection.

16 THE COURT: It's admitted.

17 (Government's Exhibit 13 admitted.)

18 MR. MANGAN: May we publish?

19 THE COURT: Yes.

20 (Government's Exhibit 13 was shown on the screen for Jury.)

21 **BY MR. MANGAN:**

22 Q Now, Agent Vokas, we talked about subscriber
23 information already. Is this the same or similar types of
24 information for this E-Mail account?

25 A Correct.

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1 **Q** All right. So let's go through it. For this account,
2 the E-Mail address is what?

3 **A** jastxyj@gmail.com.

4 **Q** And what is the name associated with it?

5 **A** Yanjun Xu.

6 **Q** Okay. And if we go down to the Recovery E-Mail, can
7 you take a look what is the Recovery E-Mail for this
8 account?

9 **A** 3025544@qq.com.

10 **Q** All right. And then if you could note the date that
11 this was created on?

12 **A** May 13, 2013 at 9:20:57 UTC.

13 **Q** Okay. And then if we go further down, what is the
14 phone number or SMS number associated with the E-Mail?

15 **A** Country code 8613913882316.

16 **Q** All right. And then the actual E-Mail account where
17 it says JAST and then XYJ, is XYJ similar to the initials of
18 Yanjun Xu?

19 **A** Correct.

20 **Q** Now, did the F.B.I. also receive the actual content
21 from this particular E-Mail account?

22 **A** They did.

23 **Q** So did you receive a similar mbox?

24 **A** I did.

25 **Q** And did you process that for the agents?

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1 **A** I did.

2 **Q** All right. And was -- before we move on from that,
3 just looking at the Subscriber Account, is this the same
4 recovery E-mail that we saw for the jastquhui account? Or
5 do I need to show it to you?

6 **A** If you could show it to me?

7 MR. MANGAN: Exhibit 16.

8 **BY MR. MANGAN:**

9 **Q** If you could turn to that in your book?

10 **A** I don't have Exhibit 16. I apologize.

11 **Q** Oh, you have the other binder. All right.

12 MR. MANGAN: If we could turn --

13 **BY MR. MANGAN:**

14 **Q** Let's do this. We're looking at Exhibit 13 right now.
15 If you can take one more look at just the recovery E-Mail,
16 and the date it was created by, and the phone number; do you
17 see that?

18 **A** I do.

19 **Q** Okay.

20 MR. MANGAN: And then I'd ask Ms. Prim if we could
21 pull up the other exhibit, Exhibit 16?

22 (Government's Exhibit 16 was shown on the screen for Jury.)

23 **BY MR. MANGAN:**

24 **Q** For jastquhui@gmail; do you see that, Agent Vokas?

25 **A** I do.

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1 Q Is it the same recovery E-Mail?

2 A It is the same recovery E-Mail.

3 Q Is it the same phone number?

4 A It is the same phone number.

5 Q Was it created on the same day?

6 A Yes.

7 Q Thank you. With respect to the jastxyj Gmail account,
8 did the F.B.I. also seek a search warrant for Apple for the
9 iCloud associated with that account?

10 A Yes.

11 Q And did Apple also provide the subscriber information
12 for that?

13 A They did.

14 MR. MANGAN: Can you take a look at Exhibit 19,
15 please?

16 (Government's Exhibit 19 marked.)

17 MR. MANGAN: May I show that to the witness, Your
18 Honor?

19 THE COURT: Yes.

20 (Government's Exhibit 19 shown on the screen for the Court
21 and Witness.)

22 **BY MR. MANGAN:**

23 Q Do you recognize Exhibit 19, sir?

24 A I do.

25 Q And what is it?

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1 **A** It is subscriber information associated with the
2 jastxyj@gmail.com iCloud account.

3 MR. MANGAN: Your Honor, we'd move to admit
4 Exhibit 19?

5 THE COURT: Any objection?

6 MR. MIEDEL: No objection.

7 THE COURT: Admitted.

8 (Government's Exhibit 19 admitted.)

9 (Government's Exhibit 19 shown on the screen for the Court
10 and Witness.)

11 **BY MR. MANGAN:**

12 **Q** And, again, looking at this, Agent Vokas, for this
13 subscriber information for the iCloud account, does it
14 indicate an E-Mail address attached to it?

15 **A** It does.

16 **Q** All right. And there's five different rows there; do
17 you see that?

18 **A** I do.

19 **Q** And for each one of to them, does that have the same
20 person ID next to it?

21 **A** It does.

22 **Q** And do you know what the person ID means within Apple
23 data? Or not?

24 **A** I do.

25 **Q** Okay. What does that mean?

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1 **A** The person ID is the same as the DSID. You can see it
2 located at the top of the documentation four rows down. The
3 DSID -- and this is complicated on Apple's behalf -- is
4 another unique identifier associated with the particular
5 iCloud account.

6 **Q** Okay. So for these five rows, it has the same person
7 ID number for each one; right?

8 **A** That is correct.

9 **Q** And it has the same E-Mail address for each one;
10 correct?

11 **A** That is correct.

12 **Q** And then it has a street name.

13 MR. MANGAN: If we can turn to next page?
14 (Government's Exhibit 19 page two was shown on the screen
15 for Jury.)

16 **BY MR. MANGAN:**

17 **Q** The next page has a column in there which has a phone
18 number; do you see that?

19 **A** I do.

20 **Q** And is it the same phone number in each time?

21 **A** It is.

22 **Q** And what does that phone number end with?

23 **A** 2316.

24 MR. MANGAN: One moment, Your Honor.

25 THE COURT: Very well.

1 (Mr. Mangan confers with co-counsel.)

2 MR. MANGAN: Your Honor, I just wanted to clarify.

3 I wanted to move to admit 8b, if I did not previously.

4 THE COURT: Any objection?

5 MR. MIEDEL: No objection.

6 THE COURT: 8b as in boy?

7 MR. MANGAN: Yes, Your Honor, 8b.

8 THE COURT: It's admitted.

9 MR. MANGAN: Thank you, Your Honor. We have no
10 further questions.

11 THE COURT: Very well. Well, all this talk about
12 Apple has made my hungry. We're going to break for our
13 lunchtime break. It's 12:15. I'd like you back at 1:30
14 upstairs so we can get you timely.

15 During the lunch break, take a break. Don't
16 discuss the case among yourselves or with anyone else. No
17 independent research. Continue to keep an open mind.

18 Out of respect for you, we'll rise as you leave for
19 the lunch break.

20 COURTROOM DEPUTY: All rise for the Jury.

21 (Jury exited the Courtroom.)

22 THE COURT: Jurors left the room. The door is
23 closed. We'll be able to recess. Anything from the
24 Government at this moment before we recess?

25 MR. MANGAN: No, Your Honor. Thank you.

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1 THE COURT: The Defense?

2 MR. MIEDEL: No, Your Honor.

3 THE COURT: All right. We're in recess until 1:30.
4 Sir, during the recess, do not discuss the testimony you've
5 given.

6 THE WITNESS: Yes, sir.

7 THE COURT: We're in recess until that time.

8 COURTROOM DEPUTY: This Court's now in recess until
9 1:30.

10 (Court was in recess at 12:13 p.m. and resumed at 1:30 p.m.)

11 COURTROOM DEPUTY: All rise. This Court is now in
12 session pursuant to the recess.

13 THE COURT: Please be seated. We're back in the
14 open courtroom after the lunch break. Jury's not here yet.
15 Is the Government prepared to proceed?

16 MR. MANGAN: We are, Your Honor.

17 THE COURT: Defense as well?

18 MR. McBRIDE: Your Honor, before we bring the Jury
19 in, there is one issue that I'd like to raise, if I may?

20 THE COURT: If you would be willing to approach, so
21 I don't have to call across the room? Could we close the
22 door, please?

23 Ms. Frankian, would you close the door, please?

24 You don't have to hide behind there. I just -- you
25 know.

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1 MR. McBRIDE: Yes, sir. I understand. We early in
2 the trial talked about this issue of E-Mails and entering
3 them, the contents of the E-Mails, and I think they're going
4 to be entered through Mr. -- pardon me -- Agent Hull, so
5 that's the time we're going to raise these issues. I don't
6 know how the Court would like us to proceed?

7 THE COURT: I didn't really understand what you
8 said. Will you take your mask off?

9 MR. McBRIDE: Yes, sir. Earlier we talked about
10 the Defendant is going to challenge the JAST E-Mail content.

11 THE COURT: Okay.

12 MR. McBRIDE: And so those issues are coming up, I
13 believe through Hull -- pardon me -- Agent Hull after my
14 conversation with Mr. Mangan.

15 We could either talk about them with the Court
16 before Agent Hull takes the stand, or we can do it while
17 he's taking the stand. I just want the Court to know that
18 it's getting close to the time to argue those issues.

19 THE COURT: Well, I'd like to hear them before he
20 testifies.

21 MR. McBRIDE: Yes, sir.

22 THE COURT: Thank you for bringing it to my
23 attention.

24 MR. McBRIDE: Yes, sir. So I can address it now?

25 THE COURT: No, no. Let's get this guy on and off.

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1 MR. McBRIDE: Yes, sir. I think Mr. Kohnen has an
2 issue too, Your Honor.

3 THE COURT: I'm sure he does.

4 MR. KOHNEN: May I remove my mask, Your Honor?

5 THE COURT: Yes.

6 MR. KOHNEN: Your Honor, this matter has come to
7 me -- my attention from our client. He is and was under the
8 understanding that the Court was going to provide an
9 interpreter for him. That there was going to be an
10 interpreter who translated what was said in court for him in
11 addition to Ms. Harmon, who, as the Court is aware, is his
12 interpreter and is the liaison between his English speaking
13 attorneys and him.

14 He is concerned that Ms. Harmon cannot do both
15 jobs. He also believes that the Court is responsible to
16 provide an interpreter for him.

17 The reason he raises the matter now is because the
18 testimony is becoming increasingly important and relevant in
19 his view, so he would like a, an interpreter, and he would
20 like not to go any further in the case until one is made
21 available to him.

22 THE COURT: You know, we didn't have one because
23 you all had Ms. Harmon, and I was led to believe that that
24 was going to be sufficient.

25 MR. KOHNEN: Apparently it's not any longer

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1 sufficient for our client, Your Honor.

2 THE COURT: We can't have a Mandarin interpreter
3 here now. I'm going to recess for 10 minutes.

4 COURTROOM DEPUTY: All rise. This Court is in
5 recess.

6 (Court was in recess at 1:34 p.m. and resumed at 2:03 p.m.)

7 COURTROOM DEPUTY: All rise. This Court is in
8 session pursuant to the recess.

9 THE COURT: You may be seated. Thank you. I've
10 been working on the Defense's request. Did the Defense wish
11 to bring something to my attention?

12 MR. KOHNEN: I don't think so, Your Honor, but
13 maybe share a little more of an explanation I got from my
14 client about his concerns, if you're interested, but
15 otherwise no.

16 THE COURT: I had understood that you were able to
17 go forward with your cross of this witness now because it's
18 going to be limited, and the interpreter present can handle
19 interpreting the proceedings and talking to counsel
20 simultaneously, is that not accurate?

21 MR. KOHNEN: That's completely accurate, Your
22 Honor.

23 THE COURT: All right. So that's where we're
24 headed. What did you want to do now?

25 MR. KOHNEN: All I wanted to do is explain to the

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1 Court how this came about, if you're interested.

2 THE COURT: I'm going to hear that but not now.

3 MR. KOHNEN: Okay.

4 THE COURT: Let's get the Jury for cross. Let's
5 get the Jury for cross. I need you to acknowledge on
6 the record that we're doing this with the Defendant's
7 consent?

8 MR. KOHNEN: I've spoken to Mr. Xu, he is
9 agreeable. He has gone -- he is even willing to stand and
10 acknowledge to the Court that he's agreeable for finishing
11 this witness with Ms. Harmon and only Ms. Harmon as his
12 translator and interpreter.

13 THE COURT: Is that right, Mr. Xu?

14 DEFENDANT YANJUN XU: Yes.

15 THE COURT: Very well. Let's get the Jury if the
16 Government's ready?

17 MR. MANGAN: We are, Your Honor.

18 THE COURT: Let's call for the Jury, please. And
19 then I'm going to be required to recess for the day in
20 terms of interacting with the Jury. The Government
21 understands?

22 MR. MANGAN: We do, Your Honor. I imagine we
23 will be staying after a while to talk with the Court about
24 this?

25 THE COURT: I'm going to hear from Mr. Kohnen on

1 the first issue. I'm not sure I'm able to assist you all in
2 this frame of mind until tomorrow.

3 COURTROOM DEPUTY: All rise for the Jury.
4 (Jury entered the Courtroom.)

5 THE COURT: All 15 Jurors have joined us. You may
6 all be seated. Members of the Jury, forgive me for getting
7 you down here late. We're now going to afford the Defense
8 an opportunity to ask witnesses -- questions of this
9 witness as upon cross-examination.

10 The witness, sir, you understand you're still under
11 oath? I have to ask everybody.

12 THE WITNESS: Yes, sir.

13 THE COURT: Very well. Defense may proceed.

14 MR MIEDEL: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 **CROSS-EXAMINATION**

17 **BY MR. MIEDEL:**

18 **Q** Good afternoon, Agent Vokas. My name is Florian
19 Miedel. I'm one of the attorneys for Mr. Xu. Agent, you
20 testified earlier about one of the four phones that you
21 conducted extractions on, which was the Huawei Mate S; do
22 you recall that?

23 **A** The Huawei Mate S, correct.

24 **Q** Okay. And I think that was discussed in Exhibit 6,
25 that's in evidence now. Do you recall that?

1 **A** Yes.

2 **Q** Okay. And you testified about a pair of photos that
3 were extracted from that phone which showed a handwritten
4 note in Chinese and then a typed written note in Chinese; do
5 you recall that?

6 **A** I do.

7 **Q** Okay. You have no information whatsoever about who
8 authored those notes; do you?

9 **A** I do not.

10 **Q** Okay. And you, you also -- well, Agent, you analyzed
11 four phones that were recovered in Belgium; correct?

12 **A** That is correct.

13 **Q** There was the Huawei Mate S, an iPhone 5s that were
14 associated with Xu Yanjun; correct?

15 **A** Correct.

16 **Q** And then there was the Huawei Honor 7 and iPhone 6S
17 that were associated with the Xu Heng; right?

18 **A** If I recall correctly, yes.

19 **Q** And you said that one of the phones was remotely wiped
20 on April 2; correct?

21 **A** Correct.

22 **Q** And that -- the phone that was wiped was the iPhone 6S
23 that is associated -- or was associated with Xu Heng;
24 correct?

25 **A** It was an iPhone 6, yes.

1 **Q** And you're aware that at least by E-mail that phone is
2 associated to an individual name Xu Heng; right?

3 **A** Correct.

4 **Q** Okay. And that was the only one of the four phones
5 that was wiped; correct?

6 **A** Correct.

7 **Q** And neither of the two phones that were associated
8 with Xu Yanjun was wiped; correct?

9 **A** Correct.

10 MR. MIEDEL: I have nothing further.

11 THE COURT: Very well. Redirect, if any?

12 MR. MANGAN: Nothing further, Your Honor. Thank
13 you.

14 THE COURT: Very well. Sir, your testimony is
15 complete at this time. The Court really appreciates your
16 work. You're free to step down and leave.

17 THE WITNESS: Thank you, sir.

18 (The witness exited the witness stand.)

19 THE COURT: Ladies and gentlemen of the Jury,
20 there's a matter that's been brought to my attention that I
21 need to address this afternoon outside your presence, so I
22 don't know whether you're going to be happy or unhappy, but
23 I'm going to release you for the day.

24 During your break going home early, same rules
25 apply. Do not discuss the case among yourselves or with

1 anyone else -- especially family who press you at home. No
2 independent research. Continue to keep an open mind. I
3 hope that you will find joy in the balance of the afternoon
4 in our absence.

5 Out of respect for you, we'll excuse you
6 momentarily for the day. I need you back tomorrow at 9:15.
7 We'll try and get you at 9:30. Let's recess -- that's ask
8 -- let's rise for the Jury as they leave for the day.

9 COURTROOM DEPUTY: All rise for the Jury.
10 (Jury exited the Courtroom.)

11 THE COURT: The Jury's left the room, and the door
12 is closed. Mr. Kohnen, do you wish to approach and tell me
13 what went down?

14 I need to disclose in the spirit of full
15 disclosure that I am put off. You represented to me that we
16 didn't need to get an interpreter. You had one, and we
17 didn't.

18 And now, all of a sudden, we've got to stop and go
19 round up a Mandarin interpreter. They're not typically
20 present at Government Square. Did you want to tell me
21 something?

22 MR. KOHNEN: Judge, any representation we made to
23 you along those lines turns out to have been wrong and a
24 mistake.

25 What happened here was this: Mr. Xu during the

1 testimony yesterday had difficulty keeping up. He was --
2 his interpreter, Ms. Harmon, was serving two purposes. She
3 was his liaison --

4 THE COURT: At your request.

5 MR. KOHNEN: Nonetheless. She was his liaison
6 between himself and his attorneys, and she was also acting
7 as a translator. That problem became more severe in his, in
8 his mind during the testimony of the last witness.

9 The difficulty that he had, according to him --
10 which I understand -- is that the questioner and the witness
11 were moving too quickly. He couldn't keep up. He --

12 THE COURT: Well, we're going to fix it. I'm just
13 annoyed, and I want you to acknowledge that I'm annoyed.

14 MR. KOHNEN: Your Honor, I acknowledge that you're
15 annoyed, and I apologize again.

16 THE COURT: So can I count on your representations
17 on any matter to be true?

18 MR. KOHNEN: I hope you will.

19 THE COURT: Very well. Let me tell you where we
20 are. Due to extraordinary good fortune, we've rounded up a
21 Mandarin interpreter by phone for tomorrow. What day is
22 tomorrow?

23 MS. FRANKIAN: Thursday. And Friday as well.

24 THE COURT: And Friday. On Monday, she'll be here
25 in-person for the balance of the trial. I understand the

1 problem. I'm just annoyed. I'm a human being.

2 MR. KOHNEN: Your Honor, again, I apologize that we
3 didn't anticipate this. We thought we had it covered. It
4 turns out we didn't.

5 I hope the Court will, will recognize that I was --
6 to the extent it was me who said anything, that I was being
7 truthful as I understood things to be at that time.

8 THE COURT: Would you mind if I had a sword and had
9 you fall on it?

10 (Laughter.)

11 MR. KOHNEN: I'd gladly do it in front of the whole
12 gallery, Your Honor.

13 THE COURT: All right. Well, that's the plan.
14 We're going to have -- and the Mandarin interpreter, who's
15 going to be available by phone, Mr. Kohnen. There will be a
16 plug in your client's ear that translates the testimony as
17 it goes.

18 If his interpreter wants to communicate with him,
19 you accept the notion that we're going to have the
20 interpreter available the next two days only by phone in his
21 ear; is that right?

22 INTERPRETER MAE HARMON: (Interpreting from English
23 to Mandarin Chinese.)

24 Your Honor, would I be able to signal that if --
25 for the interpreter or the witness speaks too fast, and I

1 want to be slowed down? Can I signal --

2 THE COURT: Yes.

3 DEFENDANT YANJUN XU: Thank you.

4 THE COURT: I need an acknowledgment, Mr. Kohnen,
5 that your client is willing to proceed with the Mandarin
6 interpreter by phone in his ear?

7 THE INTERPRETER: (Interpreting from English to
8 Mandarin Chinese.)

9 DEFENDANT YANJUN XU: Yes.

10 THE COURT: Very well. Well, we need to recess in
11 terms of taking testimony. Is there anything else that
12 requires the Court's attention before we recess for the day
13 from the Government?

14 MR. MANGAN: Your Honor, Your Honor, we don't have
15 any new business. I do want to at least state our position
16 from the standpoint of we also had the same impression that
17 there was no need for any additional interpreter based on
18 the representations from the Defendant and the Defense
19 team.

20 We also want to acknowledge, as I think the record
21 will reflect, that the issue was not raised until after
22 lunch today and that all the proceedings up until now, there
23 was a translator here present, and they did not indicate any
24 issues up until that point.

25 We believe addressing it now going forward is

1 certainly the best way to handle it. I do have a question,
2 Your Honor. I know you have more experience with this from
3 a prior trial than I do, do they need to rotate translators
4 as we get into second, the second week?

5 THE COURT: I don't believe so.

6 MR. MANGAN: Okay. I've heard that done. I just
7 wanted to bring that up in case we need to make more
8 arrangements.

9 THE COURT: Well, maybe we do. I don't know.

10 MR. MANGAN: I don't either.

11 THE COURT: I just got this bombshell dropped on me
12 in the middle of a trial that we've been preparing for for
13 months. We'll work on it.

14 The suggestion is that typically sometimes the
15 court translator is rotated out for another person, is that
16 what you're saying?

17 MR. MANGAN: I've heard of that happening in order
18 to help them sort of keep up and to stay fresh.

19 THE COURT: Okay. And the answer is, yes, we're
20 going to try to work on that.

21 MR. MANGAN: Thank you, Your Honor.

22 THE COURT: Only found one during this short break.

23 MR. MANGAN: Understood. We have nothing further,
24 Your Honor.

25 THE COURT: Very well. Do you want to acknowledge

1 anything about the testimony to date, Mr. Kohnen?

2 MR. KOHNEN: Your Honor, I will, I will represent
3 to the Court, and I'll stand here so that my client
4 understands that I'm representing -- making this
5 representation on behalf of him, Mr. Xu does not have a
6 problem with any of the proceedings -- with
7 understanding any of the proceedings that have taken place
8 to date.

9 THE INTERPRETER: (Interpreting from English to
10 Mandarin Chinese.)

11 THE COURT: That's right, sir?

12 DEFENDANT YANJUN XU: Yes, sir.

13 THE COURT: Very well. I am a grown up, and I am
14 able to set my annoyance aside. I actually look forward to
15 a break this afternoon.

16 Does the Defense wish to be heard before I recess
17 for the day?

18 MR. McBRIDE: No, Your Honor. I think we should
19 wait until we come back on Thursday.

20 THE COURT: Very well. Good read.

21 MR. McBRIDE: Pardon me, sir?

22 THE COURT: Good read.

23 MR. McBRIDE: Thank you.

24 THE COURT: All right. We're going to break for
25 the day. I want you all to enjoy the break. We'll come

1 back fresh tomorrow.

2 At the appropriate moment, I'll address what you
3 requested, Mr. McBride. You tell me when that is, and we
4 will proceed with the taking of additional testimony.

5 Has the Government disclosed to the Defense who its
6 witnesses will be tomorrow?

7 MR. MANGAN: Yes, Your Honor, we have.

8 THE COURT: Would you mind sharing that with me?

9 MR. MANGAN: I'm sorry. It's Special Agent Hull,
10 and we expect he would last the balance of the day.

11 THE COURT: And is there going to be a lot of
12 Chinese translation?

13 MR. MANGAN: Well, he will be speaking in English,
14 but I, I imagine there will be -- there will certainly be a
15 lot of documents involving various Chinese names that we'll
16 be reading from.

17 THE COURT: Well, all of it's going to be
18 translated, I just wondered what we were headed toward.
19 We'll look forward to Mr. Hull's testimony tomorrow which
20 will consume the day. I'm prepared to recess. Anything
21 further from the Government?

22 MR. MANGAN: No, Your Honor. Thank you.

23 THE COURT: From the Defense?

24 MR. MIEDEL: None.

25 THE COURT: We're in recess.

1 COURTROOM DEPUTY: All rise. This Court is now in
2 recess.

3 (The trial was recessed at 2:22 p.m.)
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2
3 I, Julie Hohenstein, Federal Official Realtime
4 Court Reporter, in and for the United States District Court
5 for the Southern District of Ohio, do hereby certify that
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